

Damien
Houlihan/R1/USEPA/US
09/26/2012 02:41 PM

To David Webster
cc
bcc
Subject Re: Fw: Invitation: Merrimack Station Update (Oct 24 10:30
AM EDT in Mt Roosevelt Room (6th Floor))

o.k.

Damien Houlihan, Chief
Industrial Permits Section
Office of Ecosystem Protection
US EPA

(617) 918-1586

David Webster [Let's discuss my participation on 10/24....](#) 09/26/2012 01:20:40 PM

From: David Webster/R1/USEPA/US
To: Damien Houlihan/R1/USEPA/US@EPA
Date: 09/26/2012 01:20 PM
Subject: Fw: Invitation: Merrimack Station Update (Oct 24 10:30 AM EDT in Mt Roosevelt Room (6th Floor))

Let's discuss my participation on 10/24.

----- Forwarded by David Webster/R1/USEPA/US on 09/26/2012 01:18 PM -----

Invitation: Merrimack Station Update

**Wed 10/24/2012 10:30 AM - 12:00
PM**

Attendance is **optional** for David Webster

Chair: **John King/R1/USEPA/US**

Location: Mt Roosevelt Room (6th Floor)

John King has invited you to a meeting. You have not yet responded.

Required: Damien Houlihan/R1/USEPA/US@EPA, Danielle Gaito/R1/USEPA/US@EPA, Ericp
Nelson/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA, Sharon
DeMeo/R1/USEPA/US@EPA, Yen Hoang/R1/USEPA/US@EPA
Optional: David Webster/R1/USEPA/US@EPA, Mel Cote/R1/USEPA/US@EPA

Description

Damien
Houlihan/R1/USEPA/US
03/27/2012 01:20 PM

To David Webster
cc
bcc
Subject Re: Fw: Merrimack Station Response to Comments Planning

Thanks.

Damien Houlihan, Chief
Industrial Permits Section
Office of Ecosystem Protection
US EPA

(617) 918-1586

David Webster | I told John i invited you. ----- Forwarded... 03/27/2012 12:41:52 PM

From: David Webster/R1/USEPA/US
To: Damien Houlihan/R1/USEPA/US@EPA
Date: 03/27/2012 12:41 PM
Subject: Fw: Merrimack Station Response to Comments Planning

I told John i invited you.

----- Forwarded by David Webster/R1/USEPA/US on 03/27/2012 12:41 PM -----

From: John King/R1/USEPA/US
To: David Webster/R1/USEPA/US@EPA, Ericp Nelson/R1/USEPA/US@EPA, Mark
Stein/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA, Yen
Hoang/R1/USEPA/US@EPA
Cc: Mel Cote/R1/USEPA/US@EPA
Date: 03/27/2012 10:01 AM
Subject: Merrimack Station Response to Comments Planning

Our meeting will be in the Mount Roosevelt Room on the 6th floor.

John

**Damien
Houlihan/R1/USEPA/US**
11/06/2012 03:16 PM

To David Webster, John King, Mark Stein, Sharon DeMeo,
Stephen Perkins, Yen Hoang
cc Nancy Mojica
bcc
Subject Declined: Merrimack FGD briefing for Stephen: present
status; permitting options

Damien
Houlihan/R1/USEPA/US
01/17/2013 11:18 AM

To Ericp Nelson
cc
bcc
Subject Re: Fw: Asian clam monitoring in 2013

Great! Let's follow up next Tuesday.

Damien Houlihan, Chief
Industrial Permits Section
Office of Ecosystem Protection
US EPA

(617) 918-1586

Ericp Nelson	FYI Eric P. Nelson Ocean and Coastal...	01/17/2013 11:00:55 AM
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From: Ericp Nelson/R1/USEPA/US
To: Damien Houlihan/R1/USEPA/US@EPA
Date: 01/17/2013 11:00 AM
Subject: Fw: Asian clam monitoring in 2013

FYI

Eric P. Nelson
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency
New England Region
5 Post Office Square, Suite 100
Mail Code OEP06-1
Boston, MA 02109-3912

Phone: 617-918-1676
FAX: 617-918-1505
Email: nelson.ericp@epa.gov

----- Forwarded by Ericp Nelson/R1/USEPA/US on 01/17/2013 11:00 AM -----

From: "Smagula, Amy" <Amy.Smagula@des.nh.gov>
To: "Marchand, Michael" <Michael.Marchand@wildlife.nh.gov>
Cc: Ericp Nelson/R1/USEPA/US@EPA
Date: 01/15/2013 10:12 AM
Subject: Asian clam monitoring in 2013

Mike,

DES and EPA have been discussing the population of the Asian clam in the Merrimack River, particularly

with regards to the effects of the thermal plume in the river on the clam population. We were thinking a comparison of Asian clam populations in the Merrimack River at various locations, and maybe looking at either or both Cobbetts Pond in Windham and Long Pond in Pelham to assess the populations of the clam in areas with no thermal influence.

DES routinely submits requests to EPA for lab/staff/funding assistance each year, and I did include a request for monitoring and lab support for Asian clam in NH. Both EPA and DES would like to include you in this partnership, for either technical guidance, field support or both.

We're looking to scope out some methods and a timeframe for monitoring. The attached papers have some good field methods, but we're trying to identify if we should be monitoring early season, mid or late season, or monthly to get an idea over time.

I welcome your input on sample sites and monitoring schedule.

Please let me know if you are interested in participating on some level in this endeavor.

Thank you,
Amy

~~~~~  
Amy P. Smagula  
Limnologist/Exotic Species Program Coordinator  
NH DES  
29 Hazen Drive  
Concord, NH 03301  
Phone: 603-271-2248  
Fax: 603-271-7894  
Email: Amy.Smagula@des.nh.gov

[attachment "Morgan13-1\_CT Yankee and Asian Clam.pdf" deleted by Ericp  
Nelson/R1/USEPA/US] [attachment "AI\_2012\_1\_Simard\_etal.pdf" deleted by Ericp  
Nelson/R1/USEPA/US]

Damien  
Houlihan/R1/USEPA/US  
12/13/2012 09:19 AM

To Ericp Nelson  
cc Mark Stein, John King, Yen Hoang, Sharon DeMeo  
bcc  
Subject Re: PSNH information received

Eric -

Should we assume it's complete and responsive to our request? Please let me know.

Mark - What's the status of the FGD conference call?

Damien Houlihan, Chief  
Industrial Permits Section  
Office of Ecosystem Protection  
US EPA

(617) 918-1586

|              |                                         |                        |
|--------------|-----------------------------------------|------------------------|
| Ericp Nelson | Just back to my desk and found on my... | 12/12/2012 12:24:15 PM |
|--------------|-----------------------------------------|------------------------|

From: Ericp Nelson/R1/USEPA/US  
To: Mark Stein/R1/USEPA/US@EPA  
Cc: John King/R1/USEPA/US@EPA, Damien Houlihan/R1/USEPA/US@EPA, Yen Hoang/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA  
Date: 12/12/2012 12:24 PM  
Subject: PSNH information received

---

Just back to my desk and found on my chair an envelope from PSNH, post-marked December 10.

Eric

Eric P. Nelson  
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency  
New England Region  
5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

Phone: 617-918-1676  
FAX: 617-918-1505  
Email: nelson.ericp@epa.gov

|            |                                           |                        |
|------------|-------------------------------------------|------------------------|
| Mark Stein | No, I haven't. Hmmmm. I'll plan to sen... | 12/12/2012 10:30:11 AM |
|------------|-------------------------------------------|------------------------|

From: Mark Stein/R1/USEPA/US  
To: Nelson.Ericp@epamail.epa.gov  
Cc: John King/R1/USEPA/US@EPA, Damien Houlihan/R1/USEPA/US@EPA, Yen Hoang/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA  
Date: 12/12/2012 10:30 AM  
Subject: Re: PSNH 308 request deadline

---

No, I haven't. Hmmmm. I'll plan to send their lawyer an email tomorrow about this...and some other issues (like our meeting request).

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

|              |                                          |                        |
|--------------|------------------------------------------|------------------------|
| Ericp Nelson | Hey Mark: PSNH's revised deadline for... | 12/12/2012 10:17:24 AM |
|--------------|------------------------------------------|------------------------|

---

From: Ericp Nelson/R1/USEPA/US  
To: Mark Stein/R1/USEPA/US@EPA  
Cc: Damien Houlihan/R1/USEPA/US@EPA  
Date: 12/12/2012 10:17 AM  
Subject: PSNH 308 request deadline

---

Hey Mark:

PSNH's revised deadline for submitting its response to our 308 request was this past Monday, 12/10. I haven't received anything yet, nor has John.

Have you gotten any messages from them concerning the request?

Thanks.

Eric

Eric P. Nelson  
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency  
New England Region  
5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

Phone: 617-918-1676  
FAX: 617-918-1505  
Email: nelson.ericp@epa.gov

**Damien**  
**Houlihan/R1/USEPA/US**  
10/25/2012 07:31 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting



**Damien**  
**Houlihan/R1/USEPA/US**  
10/25/2012 07:32 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting

**Damien**  
**Houlihan/R1/USEPA/US**  
12/13/2012 10:35 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting

**Damien**  
**Houlihan/R1/USEPA/US**  
12/28/2012 11:03 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting

**Damien**  
**Houlihan/R1/USEPA/US**  
01/24/2013 07:20 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting

**Damien**  
**Houlihan/R1/USEPA/US**  
02/15/2013 09:54 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting

Damien  
Houlihan/R1/USEPA/US  
04/12/2012 09:45 AM

To John King  
cc David Webster  
bcc  
Subject Re: Merrimack Station SOW Tasking

Looks good, John. Thanks.

Do you need the email address for the person taking over for Jamie? I think Dave has the new contact info.

Damien Houlihan, Chief  
Industrial Permits Section  
Office of Ecosystem Protection  
US EPA

(617) 918-1586

John King

Please see the revised SOW. JPK

04/11/2012 04:07:24 PM

From: John King/R1/USEPA/US  
To: Damien Houlihan/R1/USEPA/US@EPA, David Webster/R1/USEPA/US@EPA  
Date: 04/11/2012 04:07 PM  
Subject: Merrimack Station SOW Tasking

---

Please see the revised SOW.

JPK

[attachment "SOW TASKING 041112.docx" deleted by Damien Houlihan/R1/USEPA/US]

**Damien  
Houlihan/R1/USEPA/US**  
07/26/2012 07:54 AM

To John King, Sharon DeMeo  
cc  
bcc  
Subject Invitation: Applicability of new steam electric ELG to  
Merrimack (Jul 26 08:30 AM EDT in my office)

**Damien  
Houlihan/R1/USEPA/US**  
12/05/2012 03:00 PM

To Mark Stein, Yen Hoang, Sharon DeMeo, John King  
cc  
bcc  
Subject Fw: PSNH testimony

Just met with the EPA air folks (Dave Conroy, Ida McDonnell, Donald Dahl) regarding wet scrubber technology.

Dave Conroy forwarded me the attached link to PSNH testimony last June. Interesting reading - take a look if you have a chance, especially pages 7 through 12.

Damien Houlihan, Chief  
Industrial Permits Section  
Office of Ecosystem Protection  
US EPA

(617) 918-1586

----- Forwarded by Damien Houlihan/R1/USEPA/US on 12/05/2012 02:56 PM -----

From: Dave Conroy/R1/USEPA/US  
To: Damien Houlihan/R1/USEPA/US@EPA  
Cc: dahl.donald@epa.gov  
Date: 12/05/2012 12:33 PM  
Subject: PSNH testimony

---

This is also useful:

<http://www.puc.state.nh.us/Regulatory/CASEFILE/2011/11-250/TESTIMONY/11-250%202012-06-15%20PSNH%20TESTIMONY%20OF%20%20W%20SMAGULA.PDF>

David Conroy, Chief  
Air Programs Branch  
EPA - New England

Tel: 617-918-1661  
Fax: 617-918-0661



Damien  
Houlihan/R1/USEPA/US  
12/06/2012 07:50 AM

To Sharon DeMeo, John King, Yen Hoang, Mark Stein  
cc  
bcc  
Subject Fw: PSNH testimony

See email from Dave Conroy, below.

Damien Houlihan, Chief  
Industrial Permits Section  
Office of Ecosystem Protection  
US EPA

(617) 918-1586

----- Forwarded by Damien Houlihan/R1/USEPA/US on 12/06/2012 07:49 AM -----

From: Dave Conroy/R1/USEPA/US  
To: Damien Houlihan/R1/USEPA/US@EPA  
Cc: Donald Dahl/R1/USEPA/US@EPA, Ida McDonnell/R1/USEPA/US@EPA  
Date: 12/05/2012 05:12 PM  
Subject: Re: PSNH testimony

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Damien -

Your discussion regarding the secondary treatment prompted me to go to the attachment to this testimony. There is a full discussion of the installation and diagram of the secondary treatment system starting on page 306. I surprised to see the system cost \$20-\$26 million. On page 461 it says the secondary treatment system would be in operation by Q2 of 2012.

See:  
<http://www.puc.state.nh.us/Regulatory/CASEFILE/2011/11-250/TESTIMONY/11-250%202012-06-15%20PSNH%20ATT-TESTIMONY%20OF%20%20W%20SMAGULA.PDF>

David Conroy, Chief  
Air Programs Branch  
EPA - New England

Tel: 617-918-1661  
Fax: 617-918-0661

|                 |                                       |                        |
|-----------------|---------------------------------------|------------------------|
| Damien Houlihan | Thanks, Dave. See you at 2. Damien... | 12/05/2012 01:23:33 PM |
|-----------------|---------------------------------------|------------------------|

From: Damien Houlihan/R1/USEPA/US  
To: Dave Conroy/R1/USEPA/US@EPA  
Date: 12/05/2012 01:23 PM  
Subject: Re: PSNH testimony

---

Thanks, Dave. See you at 2.

Damien Houlihan, Chief  
Industrial Permits Section  
Office of Ecosystem Protection  
US EPA

(617) 918-1586

Dave Conroy

This is also useful: <http://www.puc.state...>

12/05/2012 12:33:13 PM

From: Dave Conroy/R1/USEPA/US  
To: Damien Houlihan/R1/USEPA/US@EPA  
Cc: dahl.donald@epa.gov  
Date: 12/05/2012 12:33 PM  
Subject: PSNH testimony

---

This is also useful:

<http://www.puc.state.nh.us/Regulatory/CASEFILE/2011/11-250/TESTIMONY/11-250%202012-06-15%20PSNH%20TESTIMONY%20OF%20%20W%20SMAGULA.PDF>

David Conroy, Chief  
Air Programs Branch  
EPA - New England

Tel: 617-918-1661  
Fax: 617-918-0661

**Damien**  
**Houlihan/R1/USEPA/US**  
12/04/2012 08:38 AM

To Yen Hoang  
cc  
bcc  
Subject Accepted: FDG questions for conference with PSNH

Damien  
Houlihan/R1/USEPA/US  
02/05/2013 01:58 PM

To Yen Hoang  
cc John King, Mark Stein, Sharon DeMeo  
bcc  
Subject Re: Updated FDG 308 Letter

John/Sharon -

Please prepare and route the letter for Stephen's signature. Thanks.

Damien Houlihan, Chief  
Industrial Permits Section  
Office of Ecosystem Protection  
US EPA

(617) 918-1586

Yen Hoang

Hi Damien, I've incorporated the chang...

02/05/2013 01:55:29 PM

From: Yen Hoang/R1/USEPA/US  
To: Damien Houlihan/R1/USEPA/US@EPA  
Cc: John King/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA, Mark  
Stein/R1/USEPA/US@EPA  
Date: 02/05/2013 01:55 PM  
Subject: Updated FDG 308 Letter

---

Hi Damien,

I've incorporated the changes we discussed this morning as well as your suggested edits into the 308 letter. Both the "clean" version and tracked changes version are on the Q: Share drive (Q:\Share\Merrimack Station\FGD 308 letter) for your review and processing.

FGD 308 ZLD\_02-05-2013-clean.docx  
FGD 308 ZLD\_02-05-2013-tracked changes.docx

Let me know if you've any questions.

Yen

---

Yen P. Hoang  
Office of Regional Counsel  
U.S. EPA Region 1  
5 Post Office Square - Suite 100  
Mail code: ORA17-1  
Boston, MA 02109-3912  
Phone: 617.918.1171  
Fax: 617.918.1029  
Email: Hoang.Yen@epa.gov

**Danielle Gaito/R1/USEPA/US**

10/26/2012 08:46 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Danielle Gaito/R1/USEPA/US**

10/26/2012 08:46 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Danielle Gaito/R1/USEPA/US**

12/13/2012 12:26 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Danielle Gaito/R1/USEPA/US**

01/02/2013 08:17 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting



**Danielle Gaito/R1/USEPA/US**

01/23/2013 01:52 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Danielle Gaito/R1/USEPA/US**  
02/12/2013 10:50 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting

**Danielle Gaito/R1/USEPA/US**

01/16/2013 08:17 AM

To John King

cc

bcc

Subject Update Requested: Merrimack Station Update Meeting

Dave  
Deegan/R1/USEPA/US@EPA  
01/16/2013 02:25 PM

To David Webster  
cc  
bcc  
Subject EPA Analysis Shows Decrease in 2011 Toxic Chemical  
Releases in New Hampshire

**News Release  
U.S. Environmental Protection Agency  
New England Regional Office  
January 16, 2013**

Contact: David Deegan, (617) 918-1017

**EPA Analysis Shows Decrease in 2011 Toxic Chemical Releases in New Hampshire**

(Boston, Mass. – Jan. 16, 2013) – EPA's most recent Toxic Release Inventory (TRI) data is now available for the reporting year of 2011. In New Hampshire, the reporting data show that overall releases of pollutants to the environment have decreased since the previous reporting year (2010).

TRI information is a key part of EPA's efforts to provide greater access to environmental information and get information to the public as quickly as possible. TRI reporting provides Americans with vital information about their communities by publishing information on toxic chemical disposals and releases into the air, land and water, as well as information on waste management and pollution prevention activities in neighborhoods across the country.

During 2011, the latest year for which data are available, approximately 18.96 million pounds of chemicals were released in the six New England states, a reduction of about 1,690,960 pounds. In New Hampshire, 139 facilities reported in 2011 approximately 2.1 million pounds (a decrease of 1,218,609 pounds). Approximately 92.58 percent of releases in New Hampshire were emitted to the air during 2011. Approximately 0.96 percent of releases in New Hampshire were released to the land during 2011.

"EPA is proud of our long-term commitment of putting accessible, meaningful information in the hands of the American people so we can be informed about chemicals found in our own communities and neighborhoods," said Curt Spalding, regional administrator of EPA's New England office. "Environmental data such as TRI is fundamental to helping people protect the health of their families and themselves, and provides communities with valuable information on toxic chemical releases."

Each year, EPA makes publicly available TRI data reported by industries throughout the United States regarding chemical releases to air, water and land by power plants, manufacturers and other facilities which employ ten or more workers and exceed thresholds for chemicals. Reporting includes information on chemicals released at a company's facility, as well as those transported to disposal facilities off site. TRI data do not reflect the relative toxicity of the chemicals emitted or potential exposure to people living in a community with reported releases. Facilities must report their chemical disposals and releases by July 1 of each year. EPA made the 2011 preliminary TRI dataset available on Oct. 31, 2012.

Reporting under TRI does not indicate illegal discharges of pollutants to the environment. EPA works closely with states to provide regulatory oversight of facilities that generate pollution to the nation's air, land and water. Effective review and permitting programs work to ensure that the public and the environment are not subjected to unhealthful levels of pollution, even as agencies work to further reduce emissions of chemicals to the environment. Enforcement efforts by EPA and states ensure that facilities

that violate their environmental permits are subject to penalties and corrective action. Yearly releases by individual facilities can vary due to factors such as power outages, production variability, lulls in the business cycle, etc., that do not reflect a facility's pollution prevention program(s).

The top ten chemicals released to the environment on- and off-site during 2011 in New Hampshire were:

| <b>2011 Rank</b> | <b>2011 Chemical</b>                                    | <b>Total on-and off-site disposal or other releases</b> | <b>2010 Rank</b> |
|------------------|---------------------------------------------------------|---------------------------------------------------------|------------------|
| 1                | Hydrochloric acid (1995 and after "acid aerosols" only) | 1,083,232                                               | 1                |
| 2                | Sulfuric acid (1994 and after "acid aerosols" only)     | 566,606                                                 | 2                |
| 3                | Ammonia                                                 | 139,816                                                 | 4                |
| 4                | Hydrogen fluoride                                       | 55,673                                                  | 3                |
| 5                | Toluene                                                 | 35,051                                                  | 7                |
| 6                | Barium compounds                                        | 29,482                                                  | 5                |
| 7                | Zinc compounds                                          | 25,418                                                  | 6                |
| 8                | Styrene                                                 | 19,548                                                  | 10               |
| 9                | Lead                                                    | 19,313                                                  | 15               |
| 10               | N-methyl-2-pyrrolidone                                  | 16,314                                                  | 12               |

The ten facilities that reported the largest quantity of on- and off-site environmental releases in New Hampshire under TRI for 2011 were:

| <b>2011 Rank</b> | <b>Company</b>                                                                                        | <b>2011 Total on-and off-site disposal or other releases</b> | <b>2010 Rank</b> |
|------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|------------------|
| 1                | MERRIMACK STATION. 97 RIVER RD, BOW NEW HAMPSHIRE 03304 (MERRIMACK)                                   | 1,676,100                                                    | 1                |
| 2                | SCHILLER STATION. 400 GOSLING RD, PORTSMOUTH NEW HAMPSHIRE 03801 (ROCKINGHAM)                         | 97,783                                                       | 2                |
| 3                | NEW NGC INC D/B/A NATIONAL GYPSUM CO. MICHAEL J SUCCI DR, PORTSMOUTH NEW HAMPSHIRE 03802 (ROCKINGHAM) | 79,916                                                       | 3                |
| 4                | HITCHINER MANUFACTURING CO INC. OLD WILTON RD, MILFORD NEW HAMPSHIRE 03055 (HILLSBOROUGH)             | 22,391                                                       | 6                |
| 5                | EP NEWINGTON ENERGY LLC. 200 SHATTUCK WAY, NEWINGTON NEW HAMPSHIRE 03801 (ROCKINGHAM)                 | 21,974                                                       | 8                |
| 6                | NASHUA - A CENVEO CO. 59 DANIEL WEBSTER HWY, MERRIMACK NEW HAMPSHIRE 03054 (HILLSBOROUGH)             | 20,625                                                       | 4                |

|    |                                                                                                     |        |    |
|----|-----------------------------------------------------------------------------------------------------|--------|----|
| 7  | HUTCHINSON SEALING SYSTEMS INC. 171 RT 85,<br>NEWFIELDS NEW HAMPSHIRE 03856<br>(ROCKINGHAM)         | 16,268 | 7  |
| 8  | VELCRO USA INC. 406 BROWN AVE,<br>MANCHESTER NEW HAMPSHIRE 03103<br>(HILLSBOROUGH)                  | 15,750 | 9  |
| 9  | WORTHEN INDUSTRIES INC UPACO DIV. 3 E<br>SPITBROOK RD, NASHUA NEW HAMPSHIRE<br>03060 (HILLSBOROUGH) | 12,431 | 18 |
| 10 | EASTERN BOATS INC. 11 INDUSTRIAL WAY,<br>MILTON NEW HAMPSHIRE 03851 (STRAFFORD)                     | 12,176 | 13 |

This year, EPA is offering additional information to make the TRI data more meaningful and accessible to all communities. The TRI analysis now highlights toxic disposals and releases to large aquatic ecosystems, selected urban communities, and tribal lands. EPA has improved this year's TRI national analysis report by adding new information on facility efforts to reduce pollution and by considering whether economic factors could have affected the TRI data. With this report and EPA's Web-based TRI tools, citizens can access information about the toxic chemical releases into the air, water, and land that occur locally. Finally, EPA's first mobile application for accessing TRI data, myRTK, is now available in Spanish, as are expanded Spanish translations of national analysis documents and Web pages.

TRI was established in 1986 by the Emergency Planning and Community Right-to-Know Act (EPCRA) and later modified by the Pollution Prevention Act of 1990. Together, these laws require facilities in certain industries to report annually on releases, disposal and other waste management activities related to these chemicals. TRI data are submitted annually to EPA and states by multiple industry sectors including manufacturing, metal mining, electric utilities, and commercial hazardous waste facilities.

EPA continues to work closely with the regulated community to ensure that facilities understand and comply with their reporting requirements under TRI and other community right-to-know statutes. EPA will once again hold training workshops throughout the New England region during the spring of 2013. Training sessions will be set up in each state. Further information will be available on our Web site.

More information:

- TRI in New Hampshire Fact Sheet (<http://www.epa.gov/triexplorer/statefactsheet.htm>)

- Additional [National information on TRI](http://www.epa.gov/tri/) (<http://www.epa.gov/tri/>)

# # #

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More info on [EPA's Environmental Results in New England](http://www.epa.gov/region1/results/index.html) (<http://www.epa.gov/region1/results/index.html>)

If you would rather not receive future communications from U.S. EPA, Region 1, let us know by clicking [here](#).

U.S. EPA, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912 United States

David Webster/R1/USEPA/US

09/26/2012 01:20 PM

To Damien Houlihan

cc

bcc

Subject Fw: Invitation: Merrimack Station Update (Oct 24 10:30 AM EDT in Mt Roosevelt Room (6th Floor))

Let's discuss my participation on 10/24.

----- Forwarded by David Webster/R1/USEPA/US on 09/26/2012 01:18 PM -----

**Invitation: Merrimack Station Update**

**Wed 10/24/2012** 10:30 AM - 12:00

PM

Attendance is **optional** for David Webster

Chair: **John King/R1/USEPA/US**

Location: Mt Roosevelt Room (6th Floor)

**John King** has invited you to a meeting. You have not yet responded.

Required:

Damien Houlihan/R1/USEPA/US@EPA, Danielle Gaito/R1/USEPA/US@EPA, Ericp Nelson/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA, Yen Hoang/R1/USEPA/US@EPA

Optional:

David Webster/R1/USEPA/US@EPA, Mel Cote/R1/USEPA/US@EPA

**Description**



**David Webster/R1/USEPA/US**  
01/16/2013 03:23 PM

To Damien Houlihan, Nicole Aquillano, John Nagle, Danielle Gaito, Sharon DeMeo, John King, George Papadopoulos, Austine Frawley, Shelly Puleo, Shauna Little, Olga Vergara, Michael Cobb

cc

bcc

Subject Fw: EPA Analysis Shows Decrease in 2011 Toxic Chemical Releases in New Hampshire

FYI

----- Forwarded by David Webster/R1/USEPA/US on 01/16/2013 03:23 PM -----

From: Dave Deegan/R1/USEPA/US@EPA  
To: David Webster/R1/USEPA/US@EPA  
Date: 01/16/2013 02:23 PM  
Subject: EPA Analysis Shows Decrease in 2011 Toxic Chemical Releases in New Hampshire

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**News Release  
U.S. Environmental Protection Agency  
New England Regional Office  
January 16, 2013**

Contact: David Deegan, (617) 918-1017

**EPA Analysis Shows Decrease in 2011 Toxic Chemical Releases in New Hampshire**

(Boston, Mass. – Jan. 16, 2013) – EPA's most recent Toxic Release Inventory (TRI) data is now available for the reporting year of 2011. In New Hampshire, the reporting data show that overall releases of pollutants to the environment have decreased since the previous reporting year (2010).

TRI information is a key part of EPA's efforts to provide greater access to environmental information and get information to the public as quickly as possible. TRI reporting provides Americans with vital information about their communities by publishing information on toxic chemical disposals and releases into the air, land and water, as well as information on waste management and pollution prevention activities in neighborhoods across the country.

During 2011, the latest year for which data are available, approximately 18.96 million pounds of chemicals were released in the six New England states, a reduction of about 1,690,960 pounds. In New Hampshire, 139 facilities reported in 2011 approximately 2.1 million pounds (a decrease of 1,218,609 pounds). Approximately 92.58 percent of releases in New Hampshire were emitted to the air during 2011. Approximately 0.96 percent of releases in New Hampshire were released to the land during 2011.

"EPA is proud of our long-term commitment of putting accessible, meaningful information in the hands of the American people so we can be informed about chemicals found in our own communities and neighborhoods," said Curt Spalding, regional administrator of EPA's New England office. "Environmental data such as TRI is fundamental to helping people protect the health of their families and themselves, and provides communities with valuable information on toxic chemical releases."

Each year, EPA makes publicly available TRI data reported by industries throughout the United States regarding chemical releases to air, water and land by power plants, manufacturers and other facilities which employ ten or more workers and exceed thresholds for chemicals. Reporting includes information on chemicals released at a company's facility, as well as those transported to disposal facilities off site.

TRI data do not reflect the relative toxicity of the chemicals emitted or potential exposure to people living in a community with reported releases. Facilities must report their chemical disposals and releases by July 1 of each year. EPA made the 2011 preliminary TRI dataset available on Oct. 31, 2012.

Reporting under TRI does not indicate illegal discharges of pollutants to the environment. EPA works closely with states to provide regulatory oversight of facilities that generate pollution to the nation's air, land and water. Effective review and permitting programs work to ensure that the public and the environment are not subjected to unhealthful levels of pollution, even as agencies work to further reduce emissions of chemicals to the environment. Enforcement efforts by EPA and states ensure that facilities that violate their environmental permits are subject to penalties and corrective action. Yearly releases by individual facilities can vary due to factors such as power outages, production variability, lulls in the business cycle, etc., that do not reflect a facility's pollution prevention program(s).

The top ten chemicals released to the environment on- and off-site during 2011 in New Hampshire were:

| 2011 Rank | 2011 Chemical                                           | Total on-and off-site d |
|-----------|---------------------------------------------------------|-------------------------|
| 1         | Hydrochloric acid (1995 and after "acid aerosols" only) | 1,083,232               |
| 2         | Sulfuric acid (1994 and after "acid aerosols" only)     | 566,606                 |
| 3         | Ammonia                                                 | 139,816                 |
| 4         | Hydrogen fluoride                                       | 55,673                  |
| 5         | Toluene                                                 | 35,051                  |
| 6         | Barium compounds                                        | 29,482                  |
| 7         | Zinc compounds                                          | 25,418                  |
| 8         | Styrene                                                 | 19,548                  |
| 9         | Lead                                                    | 19,313                  |
| 10        | N-methyl-2-pyrrolidone                                  | 16,314                  |

The ten facilities that reported the largest quantity of on- and off-site environmental releases in New Hampshire under TRI for 2011 were:

| 2011 Rank | Company                                                                                               |
|-----------|-------------------------------------------------------------------------------------------------------|
| 1         | MERRIMACK STATION. 97 RIVER RD, BOW NEW HAMPSHIRE 03304 (MERRIMACK)                                   |
| 2         | SCHILLER STATION. 400 GOSLING RD, PORTSMOUTH NEW HAMPSHIRE 03801 (ROCKINGHAM)                         |
| 3         | NEW NGC INC D/B/A NATIONAL GYPSUM CO. MICHAEL J SUCCI DR, PORTSMOUTH NEW HAMPSHIRE 03802 (ROCKINGHAM) |
| 4         | HITCHINER MANUFACTURING CO INC. OLD WILTON RD, MILFORD NEW HAMPSHIRE 03055 (HILLSBOROUGH)             |
| 5         | EP NEWINGTON ENERGY LLC. 200 SHATTUCK WAY, NEWINGTON NEW HAMPSHIRE 03801 (ROCKINGHAM)                 |
| 6         | NASHUA - A CENVEO CO. 59 DANIEL WEBSTER HWY, MERRIMACK NEW HAMPSHIRE 03001 (HILLSBOROUGH)             |
| 7         | HUTCHINSON SEALING SYSTEMS INC. 171 RT 85, NEWFIELDS NEW HAMPSHIRE 03856 (ROCKINGHAM)                 |
| 8         | VELCRO USA INC. 406 BROWN AVE, MANCHESTER NEW HAMPSHIRE 03103 (HILLSBOROUGH)                          |
|           |                                                                                                       |

|    |                                                                                         |
|----|-----------------------------------------------------------------------------------------|
| 9  | WORTHEN INDUSTRIES INC UPACO DIV. 3 E SPITBROOK RD, NASHUA NEW HAMPSHIRE (HILLSBOROUGH) |
| 10 | EASTERN BOATS INC. 11 INDUSTRIAL WAY, MILTON NEW HAMPSHIRE 03851 (STRAFFORD)            |

This year, EPA is offering additional information to make the TRI data more meaningful and accessible to all communities. The TRI analysis now highlights toxic disposals and releases to large aquatic ecosystems, selected urban communities, and tribal lands. EPA has improved this year's TRI national analysis report by adding new information on facility efforts to reduce pollution and by considering whether economic factors could have affected the TRI data. With this report and EPA's Web-based TRI tools, citizens can access information about the toxic chemical releases into the air, water, and land that occur locally. Finally, EPA's first mobile application for accessing TRI data, myRTK, is now available in Spanish, as are expanded Spanish translations of national analysis documents and Web pages.

TRI was established in 1986 by the Emergency Planning and Community Right-to-Know Act (EPCRA) and later modified by the Pollution Prevention Act of 1990. Together, these laws require facilities in certain industries to report annually on releases, disposal and other waste management activities related to these chemicals. TRI data are submitted annually to EPA and states by multiple industry sectors including manufacturing, metal mining, electric utilities, and commercial hazardous waste facilities.

EPA continues to work closely with the regulated community to ensure that facilities understand and comply with their reporting requirements under TRI and other community right-to-know statutes. EPA will once again hold training workshops throughout the New England region during the spring of 2013. Training sessions will be set up in each state. Further information will be available on our Web site.

More information:

- TRI in New Hampshire Fact Sheet (<http://www.epa.gov/triexplorer/statefactsheet.htm>)
- Additional [National information on TRI](http://www.epa.gov/tri/) (<http://www.epa.gov/tri/>)

# # #

Learn More about the [Latest EPA News & Events in New England](http://www.epa.gov/region1/newsevents/index.html) (<http://www.epa.gov/region1/newsevents/index.html>)

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More info on [EPA's Environmental Results in New England](http://www.epa.gov/region1/results/index.html) (<http://www.epa.gov/region1/results/index.html>)

If you would rather not receive future communications from U.S. EPA, Region 1, let us know by clicking [here](#).  
U.S. EPA, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912 United States

**David Webster/R1/USEPA/US**

10/24/2012 04:52 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

David Webster/R1/USEPA/US  
03/13/2012 10:53 AM

To: Marcus Zobrist, Deborah Nagle, Ronald Jordan  
cc  
bcc  
Subject: Fw: UWAG warns EPA over landmark water permit to control toxics - Inside EPA

FYI.

All the comments we received from organizations are now on our web-page. (about 1500 pages)  
<http://www.epa.gov/region1/npdes/merrimackstation/index.html>

This article reports on the FDG comments. There are plenty on 316(b) and 316(a)/biology also.

----- Forwarded by David Webster/R1/USEPA/US on 03/13/2012 10:50 AM -----

From: Stephen Perkins/R1/USEPA/US  
To: David Webster/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA  
Date: 03/13/2012 07:06 AM  
Subject: UWAG warns EPA over landmark water permit to control toxics - Inside EPA

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i guess you get more thorough stories sooner when you put all the comments on the web so quickly.

Daily News

## Power Plants Warn EPA Over Landmark Water Permit To Control Toxics

Posted: March 12, 2012

Electric utilities are warning EPA that its precedent-setting draft permit for discharges from a New Hampshire plant's flue gas desulfurization (FGD) unit, a technology plants use to comply with major agency sulfur and air toxics rules, may be unlawful because its discharge limits are based on an "arbitrary and capricious" scientific analysis.

In Feb. 28 comments filed with EPA Region I on its draft National Pollutant Discharge Elimination System (NPDES) permit for FGD discharges, cooling water intake structures, and thermal discharges from the Merrimack Station in Bow, NH, the Utility Water Act Group (UWAG) -- a coalition representing a host of electricity generators and their trade associations -- said the draft permit was based on an analysis rife with errors.

UWAG was particularly concerned with Region I's decision to require biological treatment of effluent from the plant's FGD outfall in addition to physical/chemical treatment technology requirements. The scientific analysis leading to the permit's discharge limits for metals -- including mercury, cadmium, arsenic and selenium -- was flawed, and the requirement to install extremely costly technology would not suffice to reach those unrealistically low discharge levels, UWAG says.

The permit -- which EPA is issuing because New Hampshire lacks delegated permitting authority -- is expected to set a nationwide precedent for EPA's pending technology based effluent limitation guideline (ELG) for discharges from FGD systems and other power plant facilities -- the first update to the current ELG since 1982.

Environmentalists and others say the ELG is urgently needed because plants are expected to increase construction of FGDs and other similar systems as a way to comply with EPA's recently issued maximum achievable control technology (MACT) for utilities, which controls emissions of mercury and other air toxics, as well as the cross state air pollution rule, which controls sulfur. But the systems are expected to increase harmful discharges, especially of mercury and other metals, which the technologies remove from plants' emissions -- bolstering the case for the ELG, which the agency is under court order to propose in July 2012 with a final rule slated for release in January 2014.

EPA Region I issued its proposed NPDES permit for the Merrimack station last September, and proposed stringent FGD limits, as well as a closed-cycle system to prevent the entrainment of fish eggs and larvae from the Merrimack River into its cooling water intake structure and technology to prevent the

impingement of adult fish from the intake structure.

The plant is subject to a state law that requires it to cut its mercury emissions by 80 percent by July 1, 2013, or sooner if practicable, and to install a "wet" scrubber technology to achieve those emissions reductions. This technology is effective at reducing air pollution, but the pollutants that are removed from the plant's smokestacks are instead left in wastewater, which is subject to national pollutant discharge elimination system (NPDES) permitting requirements.

Because EPA has not completed the ELG, the agency is crafting a site-specific permit that relies on its best professional judgment (BPJ).

After discussions with the Public Service Company of New Hampshire (PSNH), which operates the Merrimack plant, did not yield acceptable technology-based standards for the plant's FGD discharges, the region in 2010 began the process of establishing its own best available technology (BAT) for the plant. The region evaluated a variety of technologies for managing FGD discharges -- including deep well injection, treatment through a municipal treatment system, fixation, settling ponds, and others -- and determined in September that chemical/physical treatment with a biological stage was the most protective commercially available technology for the plant. In developing FGD discharge limits for the Merrimack plant, EPA Region I analyzed operations at two coal-fired electricity generation plants operated by Duke Energy in North Carolina -- the Allen Steam Station and the Belews Creek Steam Station. Those plants operate FGD scrubbers that include a physical/chemical scrubbing process followed by a biological treatment process.

#### **"Arbitrary and Capricious"**

But UWAG says the permit contained mistakes in the analyses that may foreshadow issues with the ELG. "Thus, every power company subject to the national steam electric guidelines may be affected," by the Merrimack permit, UWAG's comments say. "It is important that both the Merrimack permit and the national rulemaking -- which are intertwined and use the same data -- be done right."

The region's analysis of the operations data from the North Carolina plants was flawed in a variety of ways, UWAG says. EPA ignored the variations in the concentrations of contaminants based on the burning of coal from different sources, excluded certain operations data without justification and relied on too small a data sample to make a determination that represents a realistic picture of the state of the electricity generation industry, UWAG says.

"As a result of these errors, the limits for the Merrimack FGD wastewater are not supported by the record and not characteristic of normal operation at Merrimack (or probably any other power plant)," UWAG says. "The limits are, in short, arbitrary and capricious."

Duke Energy echoed those concerns in their [Feb. 27 comments](#), saying the data they submitted to EPA was not collected for compliance assurance purposes and therefore was not subject to the level of quality assurance that would be expected for data informing such an important permit.

What is more, the limits EPA has set for the Merrimack plant are based on Duke's in-house detection laboratories, which are able to achieve metals reductions at levels far lower than what is possible at most other plants. Applying that standard to plants elsewhere is to apply a standard that may be impossible to achieve, Duke says.

"As the provider of the data on which EPA relied to set the proposed limits for Merrimack Station, Duke Energy feels obliged to inform EPA that the process data does not support the proposed permit limits for the Merrimack Station," Duke says. "Furthermore, *the very power plants that are characterized by the data EPA used would not be able to meet the Merrimack limits consistently*. We urge EPA Region 1 to start fresh and re-propose permit limits that reflect accurately what the intended treatment technologies would actually accomplish at the Merrimack Station."

UWAG added that the region appears to have taken a [guidance document](#) signed by James Hanlon, Director of EPA's Office of Wastewater Management, in July 2010 -- which suggests regions take steps to limit pollution from FGD outfalls prior to the agency's expected 2014 final ELG -- as a binding rule, which is contrary to the Administrative Procedure Act.

"An agency pronouncement, whether it is called 'policy' or 'interpretation' or 'guidance,' cannot be used as a 'binding norm' (have 'binding effect') unless it has been promulgated with notice-and-comment rulemaking procedures (which the Hanlon memo has not)," UWAG says. "For that reason alone, the proposed limits need to be reconsidered."

#### **VCE "Eminently Feasible"**

Environmentalists, in their comments, called on the agency to identify vapor compression evaporation (VCE) technology as the BAT for FGD discharges at the Merrimack plant. While biological secondary

treatment is an effective way to reduce pollutants, particularly selenium, from FGD waste streams, VCE technology has the advantage of being able to reduce concentrations of pollutants in FGD discharges to zero. VCE technology is essentially a high-volume, high intensity evaporation system that extracts water from effluent and leaves behind remaining pollutants.

In their Feb. 28 [comments](#), Defenders of Wildlife, Sierra Club, Earthjustice, Environmental Integrity Project and the National Wildlife Federation said that under section 301 of the Clean Water Act, EPA must require the removal of all pollutants if data available indicates that total removal is technologically and economically feasible. The data provided by the Public Service company of New Hampshire (PSNH) -- who operates the plant -- indicate that such elimination is "eminently feasible," the environmentalists say.

The Conservation Law Foundation (CLF) said in separate Feb. 28 [comments](#) that EPA "erred in not requiring VCE as BAT for [FGD] discharge." PSNH has for decades eluded its requirements under the CWA to limit its pollution discharges and emissions, particularly from mercury, and has been identified by the federal government and two states as a major source of mercury pollution in the region.

But CLF said the agency's determinations to revise the Merrimack plant's permit limits for cooling water intake structures was also a major step towards protecting aquatic life in the Merrimack River. The plant has ignored its requirements to install fish impingement reduction technology from its cooling water structures, CLF says, and in periods of low flow in the Merrimack and high energy demand has been known to consume in excess of 100 percent of the river's volume -- enough to take in all the water in the river and cause it to reverse course. In this context, CLF says, it concurs with the region's determination that proposed cooling water intake requirements are the BAT for the plant. -- *John Heltman* ( [jheltman@iwnews.com](mailto:jheltman@iwnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

Doug Corb/R1/USEPA/US

11/29/2012 02:08 PM

To David Webster

cc

bcc

Subject EPA Works To Coordinate Power Plant Water Discharge,  
Coal Ash Rules

# EPA Works To Coordinate Power Plant Water Discharge, Coal Ash Rules

Posted: November 27, 2012

EPA officials are attempting to coordinate "as much as we possibly can" forthcoming rules governing coal ash disposal and wastewater discharges from the power sector, a key concern for industry as attention shifts from a suite of air rules for the sector to the looming waste and water rules.

Agency officials say that coordinating the measures aims to reduce duplicative and perhaps contrary requirements given that the regulations govern related waste streams. "There is an obvious nexus" between addressing waste from coal plants whether it is in a coal ash pond or in the wastewater discharge of a plant, Julie Hewitt, an official in EPA's Office of Water (OW), told *Inside EPA* on the sidelines of the *National Association of Regulatory Utility Commissioners' (NARUC)* conference Nov. 13 in Baltimore.

She said officials in OW and the Office of Solid Waste and Emergency Response (OSWER) "have talked a fair bit and have tried to coordinate as much as we possibly can" efforts to revise the agency's power plant effluent limitation guideline (ELG) and the coal combustion residuals (CCR) disposal rule.

Agency officials are also pointing to the need to coordinate the rules in opposing environmentalists' call for the U.S. District Court for the District of Columbia to set a fixed six-month deadline to finalize the CCR rule.

"EPA does not believe that the schedule proposed by environmental plaintiffs would allow EPA to effectively coordinate these rules to minimize difficulties for facility implementation," OSWER official Suzanne Rudzinski said in an Oct. 11 declaration to the court.

The two pending rules are expected to tamp down on high levels of contaminants in effluent discharges and coal ash given that those concentrations are expected to increase due to installation emissions controls required under the Clean Air Act.

The Clean Water Act (CWA) ELG will revise discharge standards for coal- and gas-fired power plants for the first time since 1982 -- a revision that is expected to include limits for flue gas desulfurization units, more commonly known as "scrubbers, which have been installed on many coal-fired power plants to reduce sulfur dioxide and other pollutants.



EPA is also still weighing a pending final rule to regulate CCRs either as hazardous waste under subtitle C, or as solid waste under subtitle D of the Resource Conservation & Recovery Act (RCRA).

But the regulations are a growing concern for industry. At the NARUC conference, Jeff Burleson of Southern Company included the ELG and the CCR rule along with the utility air toxics rule, a pending cooling water intake structure and potential greenhouse gas (GHG) rules for existing power plants as the key rules that could drive substantial costs for industry in the coming years.

With the exception of the GHG rules, Burleson estimated that the cost to comply could be up to \$2,000 per kilowatt, with a capital outlay of between \$13 billion and \$18 billion and potential rate increases of between 10 and 20 percent. That cost, Burleson noted, came despite Southern revising downward by \$900 million its projections on how much the utility air toxics rule would cost. Despite the drop, he said the remaining rules are still expected to be very costly and remain within the \$13-\$18 billion range, assuming that EPA finalizes a non-hazardous coal ash rule.

### **Pending Coal Regulations**

While industry groups are concerned about the costs of implementing the pending regulations, the timing of both rules is still uncertain. While EPA has agreed, in a settlement with environmentalists, to propose revisions to its ELG by Dec. 14, industry groups have appealed the suit in an effort to intervene in the settlement. Oral arguments in the case, *Defenders of Wildlife, et al. v. EPA*, are set for Dec. 5.

On coal ash, EPA proposed RCRA disposal rules for the waste in 2010 but is yet to promulgate a final rule, saying it needs until 2014. Environmentalists and the coal ash recycling industry are suing to set a date-certain deadline, though EPA officials warn that a hard deadline would hurt both the CCR rule as well as the ELG, one of the first clear signs from the agency that it is coordinating the two rules.

In her declaration in the suit *Appalachian Voices, et al., v. EPA* opposing a deadline, OSWER's Rudzinski argues that RCRA directs EPA to integrate and "avoid duplication, to the maximum extent practicable, with the appropriate provisions of" federal water laws. Any effort to finalize the CCR rule will be complicated by efforts to develop the ELG rule, Rudzinski says, noting that the ELG rule "applies to many of the same disposal units and facilities that will be affected by EPA's disposal rule.

Hewitt told *Inside EPA* that the way each statute is written leaves holes that the other needs to fill. "If the statutes were overlapping, we wouldn't need to coordinate, because if we did it, it would answer everything that was in RCRA. But there are aspects to RCRA which the water office doesn't have the authority under the Clean Water Act to deal with and vice versa. That's the sense in which I think there needs to be an agency wide look at -- how do we best protect the environment."

EPA more broadly says in Oct. 11 court filings it will need "a period of considerably greater than

six months for the agency to conclude a scientifically sound and legally defensible final action on any revision of its Subtitle D regulations pertaining to coal combustion residuals" and to fully update toxicity information for CCR, contrary to claims EPA Administrator Lisa Jackson made last year suggesting the rule could be complete in late 2012. -- *Jenny Hopkinson & Bobby McMahon*

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Doug Corb/R1/USEPA/US  
07/16/2012 01:58 PM

To David Webster, Sharon DeMeo, John King, John Nagle  
cc  
bcc  
Subject Activists' Suit Seeks To Settle Courts' Scrutiny Of Stalled  
Water Permits

# Activists' Suit Seeks To Settle Courts' Scrutiny Of Stalled Water Permits

Posted: July 16, 2012

Environmentalists seeking to compel EPA to issue new discharge permits for a pair of power plants in New England are asking a federal appellate court to settle a longstanding question of whether district or circuit courts have jurisdiction to review regulators' delays in revising permits long after the five-year statutory deadline has passed.

If successful, the activists' suit could speed appellate review of the agency's failure to act, as well as any future review of the permits themselves -- which in this case could drive strict new effluent limitations guidelines (ELGs) and cooling water intake requirements for power plants nationwide that the agency is in the process of crafting using its Clean Water Act (CWA) authority.

One source associated with the plaintiffs' case says that the appellate court's ultimate decision would have precedential value over whether the district or circuit courts have jurisdiction over suits involving long-expired EPA NPDES permits -- of which there are many nationwide.

“Obviously the court of appeals' decision would be of more binding precedential value,” the source says. “We've not systematically looked at it, but there are quite a few extended NPDES permits across the country . . . this is not an isolated phenomenon.”

Sierra Club and Our Children's Earth Foundation (OCE) July 9 [filed a petition](#) in *In re: Sierra Club and Our Children's Earth Foundation* with the U.S. Court of Appeals for the 1st Circuit seeking a writ of mandamus that would compel EPA to issue new National Pollutant Discharge Elimination System (NPDES) permits for the Mt. Tom and Schiller power stations under section 402 of the CWA.

Both stations are coal-fired power plants -- Mt. Tom in Massachusetts, Schiller in New Hampshire -- whose current permits were first issued in the early 1990s but that have been administratively extended since then. EPA Region I is the permitting authority for both plants because neither Massachusetts nor New Hampshire has delegated NPDES permitting authority.

Sierra Club and OCE [filed a similar suit](#) against EPA in the U.S. District Court for the District of Massachusetts in May, also seeking new permits for the stations from EPA.

## Courts' Jurisdiction

But the operative issue in the group's appellate petition is whether the district court or appeals court is the appropriate venue for hearing the activists' complaint and is one that the groups acknowledge is "ambiguous."

"Court of Appeals jurisdiction is not clear-cut," their brief says. "Therefore, because time is of the essence due to ongoing environmental degradation caused by the Coal Plants' discharges, and since there is a lack of controlling authority as to whether delay in re-issuing expired NPDES permits is the kind of permitting action contemplated by CWA section 509(b)(1)(F) and therefore reviewable by the Court of Appeals, or whether actions complaining of EPA inaction on renewing NPDES permits is instead a matter for District Court jurisdiction."

Section 509 of the CWA allows plaintiffs to seek judicial review of specific EPA actions, including "issuing or denying any permit under section 402," in the appellate court of jurisdiction. However, section 505 of the CWA allows citizens to bring suits against EPA where "there is alleged a failure of the Administrator to perform any act or duty . . . which is not discretionary . . ." in the district court of jurisdiction. Likewise, Administrative Procedure Act (APA) claims over EPA permits are heard at the district court level.

The plaintiffs' suit could arguably be tried in either venue, they say, but EPA's position in similar cases has varied. "EPA has taken inconsistent positions on jurisdiction in the past. When challenged under the [CWA] in District Court, EPA has claimed it can only be properly sued in a Court of Appeals. When challenged in the Court of Appeals, EPA has argued it can only properly be sued in the District Courts," the plaintiffs say. "The agency's pattern of 'jurisdictional badminton,' threatens to further exacerbate the problem of delay which petitioners seek to remedy."

The plaintiffs say in their petition that the question of jurisdiction hinges on whether the jurisdiction over reviewing EPA decisions regarding "issuing and denying" NPDES permits supersedes similar jurisdictional claims by the APA and CWA section 505. EPA's position in the past has been that section 509 should be strictly interpreted to give jurisdiction to appeals courts for those issues enumerated in the statute, and has prevailed in those cases.

But according to the activists' brief, to date only one court, the U.S. District Court for the District of Alaska, has squarely addressed the question, and in that case -- *Kitlutsisti v. Arco Alaska, Inc.* -- the 9th Circuit eventually vacated the suit on other grounds.

However, the 1st Circuit should assert jurisdiction over the case in the interest of avoiding unreasonable delay, the plaintiffs warn, considering the fact that the Mt. Tom plant's NPDES permit was first issued in 1992 and the Schiller station's permit was issued in 1990. The court has ruled that a five-year permit review delay was considered unreasonable in previous cases, so the same standard should apply in this case.

"EPA's inaction over the Coal Plants' NPDES applications presents one of the limited circumstances where mandamus relief is appropriate," the petition says. "This Court has ruled that while a delay of 14 months in an agency action involving economic regulation not

implicating human health and welfare is not so 'egregious' as to warrant mandamus, . . . [and] a five year delay in another case involving economic regulation approached 'the threshold of

unreasonableness.' Cases where the courts have found unreasonable delay requiring mandamus involved lapses of several years as is the case here.”

The activists add that if the appellate court were to issue a writ ordering EPA to issue the permits it would also ensure that the appellate court would review the permits on their merits, speeding future litigation. The CWA “grants jurisdiction to the Courts of Appeals to review EPA’s NPDES permitting actions and the All Writs Act empowers this Court to issue a writ to protect its 'prospective jurisdiction' by compelling EPA to make substantive decisions that once made will be reviewable by this Court,” the brief says.

### **Awaiting EPA Rules**

It is unclear whether the Massachusetts District Court will stay the proceedings of its case to await the 1st Circuit's decision on the petition or the two cases will move forward on parallel tracks, the source says, but in either case, the plaintiffs believe they are entitled to new permits for the plants.

The permits the groups are seeking to compel EPA to revise regulate the plants' cooling water intake structures and their temperature discharges. In the case of the Mt. Tom station, the plaintiffs seek to compel EPA to include discharges from the plant's flue gas desulfurization (FGD) unit in its NPDES permit as well.

But the agency is slated to publish a final rule under CWA section 316(b) that would set federal best available technology standards for cooling water intake structures for existing plants, which would potentially include those stations, though sources doubt the agency will complete the rule by the judicially-mandated July 27 deadline.

The agency is also set to propose revised ELGs for steam generating industrial facilities, which includes coal-and gas-fired power plants on July 23.

But the source says those rules will not undermine their case against EPA for the Schiller and Mt. Tom plants, because EPA Region I has always had the power to use its best professional judgment (BPJ) to issue permits in the absence of clear regulations from headquarters.

The plaintiffs cite by way of example a revised FGD and 316(b) permit that Region I is developing for the Merrimack power station in Bow, NH, where the agency is revising a long-expired NPDES permit to require a closed-loop cooling system and advanced treatment technology for FGD discharges. Industry groups have cited the Merrimack station as potentially indicative of what the agency's final ELG will require, and have threatened to sue the region over some of the provisions in its draft permit should they become final. -- *John Heltman* ( [jheltman@iwpnews.com](mailto:jheltman@iwpnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

><((( (° ><(((° ><(((° ><(((° ><(((°

Doug Corb  
Environmental Scientist  
US Environmental Protection Agency  
Mail Code: OEP06-1, Suite 100  
5 Post Office Square  
Boston, MA 02109-3912  
(617) 918-1565  
(617) 918-0565 Fax  
corb.doug@epa.gov



**Ericp Nelson/R1/USEPA/US**

10/25/2012 07:30 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Ericp Nelson/R1/USEPA/US**

10/25/2012 07:33 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting



**Ericp Nelson/R1/USEPA/US**

12/13/2012 10:36 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Ericp Nelson/R1/USEPA/US**

01/02/2013 09:22 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Ericp Nelson/R1/USEPA/US**

01/24/2013 08:48 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Ericp Nelson/R1/USEPA/US**

02/12/2013 10:50 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Ericp Nelson/R1/USEPA/US**

03/13/2012 09:42 AM

To John King, Mark Stein, Sharon DeMeo, David Webster

cc

bcc

Subject Bow's FGD

In case you didn't catch this piece on Merrimack's FGD issue.

Eric P. Nelson  
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency  
New England Region  
5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

Phone: 617-918-1676  
FAX: 617-918-1505  
Email: nelson.ericp@epa.gov

----- Forwarded by Ericp Nelson/R1/USEPA/US on 03/13/2012 09:40 AM -----

From: Ralph Abele/R1/USEPA/US  
To: Ericp Nelson/R1/USEPA/US@EPA  
Date: 03/13/2012 09:08 AM  
Subject:

---

[http://insideepa.com/201203122392848/EPA-Daily-News/Daily-News/power-plants-warn-epa-over-landm  
ark-water-permit-to-control-toxics/menu-id-95.html](http://insideepa.com/201203122392848/EPA-Daily-News/Daily-News/power-plants-warn-epa-over-landm<br/>ark-water-permit-to-control-toxics/menu-id-95.html)

**Ericp Nelson/R1/USEPA/US**

05/24/2012 04:01 PM

To Mark Stein

cc

bcc

Subject Looking for a Normandeau report

Hey Mark:

I'm looking for an old report by Donald Normandeau (AR# 81) titled, "The effects of thermal releases on the ecology of the Merrimack River.....". I thought you might have the copy that I wrote in (black cover, undated). If you have it, I'd like to look at it. Thanks.

Eric P. Nelson  
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency  
New England Region  
5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

Phone: 617-918-1676  
FAX: 617-918-1505  
Email: [nelson.ericp@epa.gov](mailto:nelson.ericp@epa.gov)

**Ericp Nelson/R1/USEPA/US**

12/12/2012 10:17 AM

To Mark Stein

cc Damien Houlihan

bcc

Subject PSNH 308 request deadline

Hey Mark:

PSNH's revised deadline for submitting its response to our 308 request was this past Monday, 12/10. I haven't received anything yet, nor has John.

Have you gotten any messages from them concerning the request?

Thanks.

Eric

Eric P. Nelson

Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency

New England Region

5 Post Office Square, Suite 100

Mail Code OEP06-1

Boston, MA 02109-3912

Phone: 617-918-1676

FAX: 617-918-1505

Email: [nelson.ericp@epa.gov](mailto:nelson.ericp@epa.gov)

**Jamie Piziali/DC/USEPA/US**

07/26/2012 04:29 PM

To Kelly.Meadows

cc Robert Powell, Donna Reinhart, John King, David Webster,  
Damien Houlihan

bcc

Subject WA 1-28, TD: 072612, Technical Support for Merrimack  
Station Permit

Kelly -

In accordance with Task 3 of WA 1-28, please provide EPA Region 1 with technical assistance with reviewing comments, analyzing and developing responses to 316(a) and 316(b) related economic and cost analysis comments received during the Public Notice period for Public Service of New Hampshire (PSNH) Merrimack Station, Bow, NH.

I am available for a kick off call next week, July 31 -August 3 or August 6-7. Region 1 will send you their availability ASAP.

As a heads up, the comments that will need to be addressed at the kick off call can be found below, but the specific comments and concerns that Region 1 will need assistance with will be provided during and after the call.

These materials are located at the EPA Region 1 Web site:  
<http://www.epa.gov/region1/npdes/merrimackstation/comments.html>

The economic and cost analysis comments are contained in the following documents:

- Response to Environmental Protection Agency's Draft NPDES Permit, PSNH Merrimack Station, Units 1 & 2, Bow, New Hampshire, Enercon Services, Inc. February 2012
- Preliminary Economic Analysis of Cooling Water Intake Alternatives at Merrimack Station, NERA, February 2012
- Comments of Public Service Company of New Hampshire on EPA's Draft National Pollutant Discharge Elimination System Permit No. NH 0001465 for Merrimack Station, PSNH, February 28, 2012
- Comments of the Utility Water Action Group on Proposed NPDES Permit for the Merrimack Station in Bow, New Hampshire, NPDES Permit NH0001465, UWAG, February 28, 20120

The BAT or BTA comments are contained in the following documents:

- Response to Environmental Protection Agency's Draft NPDES Permit, PSNH Merrimack Station, Units 1 & 2, Bow, New Hampshire, Enercon Services, Inc. February 2012
- Comments on the Draft 316(b) Requirements in "Clean Water Act NPDES Permit Determinations for Thermal the Discharge and Cooling Water Intake Structures at Merrimack Station in Bow, New Hampshire"- Permit Number NH0001465, EPRI, February 27, 2012
- Comments of Public Service Company of New Hampshire on EPA's Draft National Pollutant Discharge Elimination System Permit No. NH 0001465 for Merrimack Station, PSNH, February 28, 2012
- Comments of the Utility Water Action Group on Proposed NPDES Permit for the Merrimack Station in Bow, New Hampshire, NPDES Permit NH0001465, UWAG, February 28, 20120

Please let me know if you have any additional questions.

Thank you,

Jamie Piziali  
US EPA - Water Permits Division



Phone: 202-564-1709  
Fax: 202-564-6431

John King/R1/USEPA/US

12/19/2012 02:04 PM

To allan.palmer

cc Mark Stein, Damien Houlihan, Sharon DeMeo, Yen Hoang

bcc

Subject PSNH Compliance with EPA's 308 Letter Dated March 22, 2012

Allan,

I assume when you state in your email that, "... this report concludes out commitment to provide information in response to your 308 letter," that PSNH will no longer be trucking Merrimack Station FGD treated wastewater off-site. However, I cannot comment on whether PSNH has fully complied with the requirements of EPA's 308 letter dated March 22, 2012. I suggest PSNH's attorney, Linda Landis, contact Region 1's attorney, Mark Stein to discuss this matter.

John

allan.palmer

John, Please find attached our report to...

12/19/2012 01:33:46 PM

From: allan.palmer@nu.com  
To: John King/R1/USEPA/US@EPA  
Date: 12/19/2012 01:33 PM  
Subject: October & November Reports

John, Please find attached our report to the Town of Hooksett POTW for the month of October. This report is responsive to the request in EPA's 308 letter dated March 22, 2012 to continue to provide analytical data generated from the FGD treatment process beginning in May 2012. The Hooksett report is being provided as it was the only facility used during the month and it contains the sum total of all analyses that were conducted on FGD wastewater that was trucked off-site in October. This report contains one analysis for distillate.

No shipments were made off-site in November, so we have no data to submit for the month. Based upon my understanding, this report concludes our commitment to provide information in response to your 308 letter. Please contact me if you have questions.

Thanks, Allan.

\*\*\*\*\*

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\*\*\*\*\*[attachme

nt "2690\_001.pdf" deleted by John King/R1/USEPA/US]

**John King/R1/USEPA/US**  
02/15/2011 01:46 PM

To Christine Foot, Damien Houlihan, Ericp Nelson, Mark Stein  
cc Mel Cote, Sharon DeMeo  
bcc  
Subject Invitation: Merrimack Station Update (Feb 22 10:30 AM EST  
in 6th Floor Team)

**John King/R1/USEPA/US**  
02/01/2011 02:03 PM

To Christine Foot, David Webster, Ericp Nelson, Mark Stein,  
Sharon DeMeo  
cc Mel Cote  
bcc  
Subject Rescheduled: Merrimack Station Update (Feb 9 10:30 AM  
EST)

**John King/R1/USEPA/US**  
02/01/2011 02:43 PM

To Christine Foot, Ericp Nelson, Mark Stein, Sharon DeMeo  
cc  
bcc  
Subject Rescheduled: Merrimack Station Update (Feb 2 10:30 AM  
EST)

John King/R1/USEPA/US  
11/02/2012 11:30 AM

To Damien Houlihan, David Webster, Sharon DeMeo, Yen  
Hoang, Mark Stein

cc

bcc

Subject Merrimack Station FGD On Site Visit

DELIBERATIVE - FOR INTERNAL EPA USE ONLY

Yesterday I had a long conversation with Allen Palmer concerning why PSNH does not want EPA to come on site at Merrimack Station. I explained to Palmer it would be to PSNH's advantage to explain to EPA how the Zero Liquid Discharge/Vapor Compression (ZLD/VC) equipment added to the FGD wastewater treatment system works. Palmer appears to agree that it would be beneficial for PSNH to allow EPA on site. Palmer said there are two reasons for this. First, it would provide PSNH an opportunity to explain directly to EPA why PSNH was "forced" to install the ZLD/VC equipment. (Essentially, their point will be that in order to begin recovering the cost for the FGD system, PSNH had to begin operation of the FGD without a NPDES permit) Secondly, PSNH will have the opportunity to explain directly to the EPA why the company does not consider the ZLD/VC BAT.

Palmer stated he almost had Bill Smagula convinced to allow EPA on site. He also stated Linda Landis would be present if EPA came on site. I replied was fine with EPA, since we would also have Mark and Yen in our party.

I suggest that I follow up yesterdays conversation with Palmer next week. If he says PSNH is amenable to EPA coming on site, I ask that Mark formerly confirm our on site visit at Merrimack Station with Landis.

John

**John King/R1/USEPA/US**

11/21/2012 09:59 AM

To Damien Houlihan, Mark Stein, Sharon DeMeo, Yen Hoang

cc David Webster

bcc

Subject Tetra Tech File on Q-Share

I've created a file on the Merrimack Station Q-Share for the incoming Tetra Tech reports:

Q:\Share\Merrimack Station\Public Notice Comments Response\Tetra Tech Responses

JPK



**John King/R1/USEPA/US**  
11/09/2011 12:56 PM

To David Webster, Ericp Nelson, Glenda Velez, Marelyn Vega,  
Mark Stein, Sharon DeMeo  
cc  
bcc  
Subject Merrimack Station Administrative Record Update

**John King/R1/USEPA/US**  
11/09/2011 02:28 PM

To David Webster, Ericp Nelson, Marelyn Vega, Mark Stein,  
Sharon DeMeo

cc

bcc

Subject Cancelled: Merrimack Station Administrative Record Update

**John King/R1/USEPA/US**  
06/07/2011 12:52 PM

To David Webster, Ericp Nelson, Mark Stein, Sharon DeMeo  
cc Mel Cote  
bcc  
Subject Invitation: Merrimack Station Status Update (Jun 8 02:00 PM  
EDT in 6th Floor)

**John King/R1/USEPA/US**

01/09/2012 03:20 PM

To David Webster, Ericp Nelson, Mark Stein, Sharon DeMeo

cc Mel Cote, Phil Warren

bcc

Subject Cancelled: Merrimack Station Response to Comments  
Planning Meeting

**John King/R1/USEPA/US**  
02/29/2012 11:44 AM

To David Webster, Ericp Nelson, Mark Stein, Sharon DeMeo  
cc Mel Cote, Phil Warren  
bcc  
Subject Merrimack Station; Planning Region 1's Reply to Public  
Comments

**John King/R1/USEPA/US**  
03/12/2012 10:06 AM

To David Webster, Jeff Fowley, Joy Hilton, Justin Pimpare, Mark  
Stein, Sharon Leitch

cc

bcc

Subject Off Site Trucking of Merrimack Station's FGD WWTS Effluent

We are still meeting tomorrow at 9:00 on the 5th Floor. I originally used the wrong name for the room; it is the Mount Lafayette Room.

JPK

**John King/R1/USEPA/US**  
03/06/2012 11:01 AM

To David Webster, Jeff Fowley, Mark Stein, Justin Pimpare, Joy  
Hilton, Sharon Leitch  
cc Jackie Leclair, Denny Dart, Beth Deabay  
bcc  
Subject Off Site Trucking of Merrimack Station's FGD WWTS Effluent

Please provide your availability for March 7, 8, 12 & 13 to discuss the implications of PSNH transferring the FGD WWTS effluent to local POTWs and Region 1's response.

Thank you, John

**John King/R1/USEPA/US**  
09/08/2011 02:01 PM

To David Webster, Mark Stein, Sharon DeMeo  
cc  
bcc  
Subject Cancelled: Merrimack Station Update



**John King/R1/USEPA/US**  
09/07/2011 05:25 PM

To David Webster, Mark Stein, Sharon DeMeo  
cc  
bcc  
Subject Merrimack Station Update

**John King/R1/USEPA/US**

03/08/2012 12:48 PM

To David Webster, Mark Stein, Sharon DeMeo

cc Phil Warren

bcc

Subject Cancelled: Merrimack Station; Planning Region 1's Reply to  
Public Comments

**John King/R1/USEPA/US**  
03/07/2012 08:08 AM

To Jeff Fowley, Mark Stein, Justin Pimpare, Joy Hilton, Sharon  
Leitch, David Webster  
cc Jackie Leclair, Denny Dart, Beth Deabay  
bcc  
Subject CORRECTED MESSAGE! Off Site Trucking of Merrimack  
Station's FGD WWTS Effluent

Can anyone NOT make a meeting scheduled on **TUESDAY MARCH 13, 2012?**

Sorry about my inability to match a date with a day.

JPK

**John King/R1/USEPA/US**  
03/06/2012 04:42 PM

To Jeff Fowley, Mark Stein, Justin Pimpare, Joy Hilton, Sharon  
Leitch, David Webster  
cc Jackie Leclair, Denny Dart, Beth Deabay  
bcc  
Subject Off Site Trucking of Merrimack Station's FGD WWTS Effluent

Can anyone NOT make a meeting scheduled on Thursday? Five of the six action addressees have responded, and March 13 is the only day these five have commonly available.

JPK

---

Please provide your availability for March 7, 8, 12 & 13 to discuss the implications of PSNH transferring the FGD WWTS effluent to local POTWs and Region 1's response.

Thank you, John

John King/R1/USEPA/US

02/14/2013 02:51 PM

To Mark Stein

cc

bcc

Subject Fw: PSNH Compliance with EPA's 308 Letter Dated March 22, 2012

Mark,

Forward in the email I received from Allan Palmer that stated, "No shipments were made off-site in November, so we have no data to submit for the month. Based upon my understanding, this report concludes our commitment to provide information in response to your 308 letter. Please contact me if you have questions. " As you will read, I suggest Palmer request Linda Landis contact you.

John

----- Forwarded by John King/R1/USEPA/US on 02/14/2013 02:48 PM -----

From: John King/R1/USEPA/US  
To: allan.palmer@nu.com  
Cc: Mark Stein/R1/USEPA/US@EPA, Damien Houlihan/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA, Yen Hoang/R1/USEPA/US@EPA  
Date: 12/19/2012 02:04 PM  
Subject: PSNH Compliance with EPA's 308 Letter Dated March 22, 2012

---

Allan,

I assume when you state in your email that, "... this report concludes out commitment to provide information in response to your 308 letter," that PSNH will no longer be trucking Merrimack Station FGD treated wastewater off-site. However, I cannot comment on whether PSNH has fully complied with the requirements of EPA's 308 letter dated March 22, 2012. I suggest PSNH's attorney, Linda Landis, contact Region 1's attorney, Mark Stein to discuss this matter.

John

|              |                                             |                        |
|--------------|---------------------------------------------|------------------------|
| allan.palmer | John, Please find attached our report to... | 12/19/2012 01:33:46 PM |
|--------------|---------------------------------------------|------------------------|

From: allan.palmer@nu.com  
To: John King/R1/USEPA/US@EPA  
Date: 12/19/2012 01:33 PM  
Subject: October & November Reports

---

John, Please find attached our report to the Town of Hooksett POTW for the month of October. This report is responsive to the request in EPA's 308 letter dated March 22, 2012 to continue to provide analytical data generated from the FGD treatment process beginning in May 2012. The Hooksett report is being provided as it was the only facility used during the month and it contains the sum total of all analyses that were conducted on FGD wastewater that was trucked off-site in October. This report contains one analysis for distillate.

No shipments were made off-site in November, so we have no data to submit for the month. Based upon my understanding, this report concludes our commitment to provide information in response to your 308 letter. Please contact me if you have questions.

Thanks, Allan.

\*\*\*\*\*

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\*\*\*\*\*[attachment "2690\_001.pdf" deleted by John King/R1/USEPA/US]

John King/R1/USEPA/US

11/27/2012 08:24 AM

To Mark Stein

cc

bcc

Subject Re: possible times for proposed call w/ PSNH

.... as I said, I do not have a life so all the times are acceptable.

Mark Stein

Hi guys - I am checking on availability f...

11/26/2012 04:25:31 PM

From: Mark Stein/R1/USEPA/US  
To: Yen Hoang/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA, Damien Houlihan/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA  
Date: 11/26/2012 04:25 PM  
Subject: possible times for proposed call w/ PSNH

---

Hi guys - I am checking on availability for proposing a conference call to PSNH re FGD issues. Please let me know if your are available for the following times. (I am thinking we should propose 1.5 hours for the call. Does that sound right? Or is 1 hour or 2 hours better?) If we can find two or more times that work for us all, I will propose them to PSNH.

Tuesday - 12/4 from 2 to 3:30  
Wed. - 12/5 from 10:30 to 12:00  
Thursday - 12/6 from 10:00 to 11:30.

Please let me know. Thanks.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

John King/R1/USEPA/US  
03/01/2012 11:29 AM

To Mark Stein, Ericp Nelson, Sharon DeMeo, David Webster,  
Phil Warren  
cc Mel Cote  
bcc

Subject Merrimack Station Meeting Next Week

I am not going to try to use Lotus to schedule Merrimack Station meetings. Instead I am going to use the "old fashion" method .... what days are you available next week? At what times during those days you are available? Can everyone meet on Monday?

All the comments Region 1 received are on the Q-Share in the "Public Notice Comments" folder. I ask that everyone review all the documents in order to get a sense concerning which comments relate to the sections you developed for the Public Notice documents.

I have also added comment documents to the "Subject Matter" folder depending on which broad permitting area; i.e, 316(a), 316(b), FGD, etc., that they relate to. Please feel free to add documents to the sub-folders when you are reviewing the comments.

Thank you, John



John King/R1/USEPA/US

07/05/2012 03:11 PM

To: Melissa Hoffer

cc: Cristeen Schena, Mark Stein, Tom Irwin

bcc

Subject: RE: PSNH 308-letter materials

Melissa,

I've resent PSNH response to Region 1 308 letter. I will have to contact Chris for the date ... may take a few days.

John

Melissa Hoffer

Hi John: I have checked my e-mail rec...

07/05/2012 03:01:53 PM

From: Melissa Hoffer <MHoffer@clf.org>  
To: John King/R1/USEPA/US@EPA, Tom Irwin <tirwin@clf.org>  
Cc: Mark Stein/R1/USEPA/US@EPA, Cristeen Schena/R1/USEPA/US@EPA  
Date: 07/05/2012 03:01 PM  
Subject: RE: PSNH 308-letter materials

---

Hi John: I have checked my e-mail records, and for some reason did not receive your June 26 e-mail. Would you kindly please resend it to me. Would you also please identify by date the precise CLF FOIA to which this information is responsive. Thanks.

Best,  
Melissa

---

From: John King [king.john@epamail.epa.gov]  
Sent: Thursday, June 28, 2012 10:54 AM  
To: Tom Irwin; Melissa Hoffer  
Cc: Mark Stein; Cristeen Schena  
Subject: Re: PSNH 308-letter materials

Tom and Melissa,

On Tuesday, June 26, an electronic copy of the entire reply of PSNH to Region 1's 308 letter concerning Merrimack Station's FGD WWTS effluent was emailed to you. Region 1 considers all the documents you requested have been made available; therefore, your FOIA request has been met and the FOIA will be closed.

John

-----Tom Irwin <tirwin@clf.org> wrote: -----  
To: Mark Stein/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA  
From: Tom Irwin <tirwin@clf.org>  
Date: 06/22/2012 01:34PM  
Cc: Melissa Hoffer <MHoffer@clf.org>  
Subject: PSNH 308-letter materials

Mark and John,

Are you in a position to disclose the materials marked confidential by PSNH? We are anxious to receive the full response. I'm not sure how much the materials overlap but, as I mentioned to John, PSNH apparently waived its prior claims of confidentiality with respect to documents responsive to a CLF right-to-know request to NHDES. If you want to connect with them, Pete Demas at NHDES could likely give you the full story.

My hope is that you can provide a digital copy of PSNH's response by the June 27. Please note that I'll be away and without access to email much of next week, so please "reply all" to include Melissa Hoffer when responding.

Thank you in advance,

Tom

Tom Irwin  
Vice President  
Director, CLF New Hampshire  
27 North Main Street  
Concord, NH 03301-4930

P: 603-225-3060, ext. 3013  
E: tirwin@clf.org

For a thriving New England

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named  
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

**John King/R1/USEPA/US**

08/29/2011 12:44 PM

To Sharon DeMeo

cc

bcc

Subject Invitation: Merrimack Station Update (Aug 31 09:30 AM EDT  
in 6th Floor Team Training)

**John King/R1/USEPA/US**

01/16/2013 12:35 PM

To Sharon DeMeo, Yen Hoang

cc

bcc

Subject Merrimack Station's Ash Land Fill

The Web address is an application PSNH submitted to NHDES Waste Management Bureau to modify Merrimack Stations solid waste disposal permit. This application appears to contained a detailed description and operation plan of the ash disposal land fill

JPK

<http://des.nh.gov/organization/divisions/waste/swmb/documents/mscal-application.pdf>

**John King/R1/USEPA/US**  
03/02/2012 04:18 PM

To Stephen Perkins, Mark Stein, David Webster, Ericp Nelson,  
Sharon DeMeo

cc

bcc

Subject Fw: Bow: PSNH attacks data EPA used in draft permit - Page  
2 | Concord Monitor

----- Forwarded by John King/R1/USEPA/US on 03/02/2012 04:18 PM -----

From: "Spanos, Stergios" <Stergios.Spanos@des.nh.gov>  
To: John King/R1/USEPA/US@EPA  
Date: 03/02/2012 03:55 PM  
Subject: Bow: PSNH attacks data EPA used in draft permit - Page 2 | Concord Monitor

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<http://www.concordmonitor.com/article/314489/psnh-attacks-data-epa-used-in-draft-permit?page=0,1&CSAuthResp=1330721390%3A2vn6rrrs3n5ng76p9sr9a95475%3ACSUserId%7CCSGroupId%3Aapproved%3ADFACD7EF6332FD29B0A00196D65F3391&CSUserId=27142&CSGroupId=1>

**John King/R1/USEPA/US**

03/13/2012 01:40 PM

To Stephen Perkins, Mark Stein, Sharon DeMeo, David Webster

cc

bcc

Subject Fw: PUC & PSNH

As I read the PUC decision, the PUC will determine temporary rates in order that PSNH can recoup cost of the FGD. The PUC also ordered PSNH to provide certain technical information related to truck FGD effluent off site.

John

----- Forwarded by John King/R1/USEPA/US on 03/13/2012 01:37 PM -----

From: "Spanos, Stergios" <Stergios.Spanos@des.nh.gov>  
To: John King/R1/USEPA/US@EPA, "Andrews, Jeff" <Jeffrey.Andrews@des.nh.gov>, "Heirtzler, Paul" <Paul.Heirtzler@des.nh.gov>  
Date: 03/13/2012 11:26 AM  
Subject: PUC & PSNH

---

<http://www.puc.nh.gov/Regulatory/Orders/2012orders/25334e.pdf>

John King/R1/USEPA/US

06/28/2012 10:54 AM

To Tom Irwin, Melissa Hoffer

cc Mark Stein, Cristeen Schena

bcc

Subject Re: PSNH 308-letter materials

Tom and Melissa,

On Tuesday, June 26, an electronic copy of the entire reply of PSNH to Region 1's 308 letter concerning Merrimack Station's FGD WWTs effluent was emailed to you. Region 1 considers all the documents you requested have been made available; therefore, your FOIA request has been met and the FOIA will be closed.

John

-----Tom Irwin <tirwin@clf.org> wrote: -----

To: Mark Stein/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA

From: Tom Irwin <tirwin@clf.org>

Date: 06/22/2012 01:34PM

Cc: Melissa Hoffer <MHoffer@clf.org>

Subject: PSNH 308-letter materials

Mark and John,

Are you in a position to disclose the materials marked confidential by PSNH? We are anxious to receive the full response. I'm not sure how much the materials overlap but, as I mentioned to John, PSNH apparently waived its prior claims of confidentiality with respect to documents responsive to a CLF right-to-know request to NHDES. If you want to connect with them, Pete Demas at NHDES could likely give you the full story.

My hope is that you can provide a digital copy of PSNH's response by the June 27. Please note that I'll be away and without access to email much of next week, so please "reply all" to include Melissa Hoffer when responding.

Thank you in advance,

Tom

Tom Irwin

Vice President

Director, CLF New Hampshire

27 North Main Street

Concord, NH 03301-4930

P: 603-225-3060, ext. 3013  
E: tirwin@clf.org

For a thriving New England

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

This Email message contained an attachment named  
image001.jpg  
which may be a computer program. This attached computer program  
could  
contain a computer virus which could cause harm to EPA's  
computers,  
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses  
introduced  
into the EPA network. EPA is deleting all computer program  
attachments  
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate,  
you  
should contact the sender and request that they rename the file  
name  
extension and resend the Email with the renamed attachment.  
After  
receiving the revised Email, containing the renamed attachment,  
you can  
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at  
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*



**John King/R1/USEPA/US**  
12/06/2012 08:37 AM

To Yen Hoang, Sharon DeMeo, Damien Houlihan, Mark Stein  
cc  
bcc  
Subject PUC Docket 11-250 "Investigation of Scubber Costs and  
Cost Recovery"

All the testimonies, submissions, finding, etc. provided to the NH PUC related to "Investigation of Scubber Costs and Cost Recovery" at Merrimack Station is at the Web site:

**<http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-250.html>**

**John King/R1/USEPA/US**

01/23/2013 01:18 PM

To Yen Hoang, Sharon DeMeo

cc

bcc

Subject Coal Sources at Merrimack Station

Extracted from the Winter 2008 NEIWPC article, "... Outside the plant, we strode aside railroad tracks, upon which twice a week rumble trains 90 cars long, each car holding 100 tons of coal from mines in Pennsylvania, West Virginia, and two sources in South America. We looked out at a yard where mountains of coal lay on standby. Like any coal-fired power plant, Merrimack Station is vulnerable to strikes in the railroad and mining industries; regulations require that it keep 300,000 tons of coal always on hand, just in case...."

**John King/R1/USEPA/US**

10/24/2012 01:41 PM

To

cc

bcc

Subject Merrimack Station Update Meeting

**Meeting**

Date 12/12/2012

Time 09:00:00 AM to 10:30:00 AM

Chair John King

Invitees

Required Damien Houlihan; Danielle Gaito; Ericp Nelson; Mark Stein; Sharon DeMeo;  
Yen Hoang

Optional David Webster; Mel Cote

FYI

Location Mt Roosevelt Room

**John King/R1/USEPA/US**

10/24/2012 01:42 PM

To

cc

bcc

Subject Merrimack Station Update Meeting

**Meeting**

Date 01/16/2013

Time 09:00:00 AM to 10:00:00 AM

Chair John King

Invitees

Required Damien Houlihan; Danielle Gaito; Ericp Nelson; Mark Stein; Sharon DeMeo;  
Yen Hoang

Optional David Webster; Mel Cote

FYI

Location Mt Roosevelt Room

**John King/R1/USEPA/US**

12/28/2012 10:28 AM

To

cc

bcc

Subject Merrimack Station Update Meeting

**Meeting**

Date 02/05/2013

Time 10:00:00 AM to 11:30:00 AM

Chair John King

Invitees

Required Damien Houlihan; Danielle Gaito; Ericp Nelson; Mark Stein; Sharon DeMeo;  
Yen Hoang

Optional

FYI

Location

**John King/R1/USEPA/US**

01/23/2013 10:21 AM

To

cc

bcc

Subject Merrimack Station Update Meeting

**Meeting**

Date 02/28/2013

Time 10:30:00 AM to 12:00:00 PM

Chair John King

Invitees

Required Damien Houlihan; Danielle Gaito; Ericp Nelson; Mark Stein; Sharon DeMeo;  
Yen Hoang

Optional

FYI

Location

**John King/R1/USEPA/US**

03/08/2012 08:42 AM

To

cc

bcc

Subject Off Site Trucking of Merrimack Station's FGD WWTS Effluent

**Meeting**

Date 03/13/2012

Time 09:00:00 AM to 10:00:00 AM

Chair John King

Invitees

Required David Webster; Jeff Fowley; Joy Hilton; Justin Pimpare; Mark Stein; Sharon  
Leitch

Optional

FYI

Location Mount Lafayette Rm - 5th Floor

Joy Hilton/R1/USEPA/US

03/06/2012 04:33 PM

To John King

cc Beth Deabay, David Webster, Denny Dart, Jackie Leclair, Jeff Fowley, Justin Pimpare, Mark Stein, Sharon Leitch

bcc

Subject Re: Off Site Trucking of Merrimack Station's FGD WWTS Effluent

3/7 from 1-3:30  
3/13 from 7-3:30

John King

Please provide your availability for Mar...

03/06/2012 11:01:59 AM

From: John King/R1/USEPA/US  
To: David Webster/R1/USEPA/US@EPA, Jeff Fowley/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA, Justin Pimpare/R1/USEPA/US@EPA, Joy Hilton/R1/USEPA/US@EPA, Sharon Leitch/R1/USEPA/US@EPA  
Cc: Jackie Leclair/R1/USEPA/US@EPA, Denny Dart/R1/USEPA/US@EPA, Beth Deabay/R1/USEPA/US@EPA  
Date: 03/06/2012 11:01 AM  
Subject: Off Site Trucking of Merrimack Station's FGD WWTS Effluent

---

Please provide your availability for March 7,8, 12 & 13 to discuss the implications of PSNH transferring the FGD WWTS effluent to local POTWs and Region 1's response.

Thank you, John



Justin Pimpare/R1/USEPA/US

03/06/2012 11:04 AM

To John King

cc Beth Deabay, David Webster, Denny Dart, Jackie Leclair, Jeff Fowley, Joy Hilton, Mark Stein, Sharon Leitch

bcc

Subject Re: Off Site Trucking of Merrimack Station's FGD WWTS Effluent

I'm available anytime on the 7th or 13th (although have H&S training can sneak out for a few minutes).  
Jay

John King

Please provide your availability for Mar...

03/06/2012 11:01:59 AM

From: John King/R1/USEPA/US  
To: David Webster/R1/USEPA/US@EPA, Jeff Fowley/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA, Justin Pimpare/R1/USEPA/US@EPA, Joy Hilton/R1/USEPA/US@EPA, Sharon Leitch/R1/USEPA/US@EPA  
Cc: Jackie Leclair/R1/USEPA/US@EPA, Denny Dart/R1/USEPA/US@EPA, Beth Deabay/R1/USEPA/US@EPA  
Date: 03/06/2012 11:01 AM  
Subject: Off Site Trucking of Merrimack Station's FGD WWTS Effluent

---

Please provide your availability for March 7,8, 12 & 13 to discuss the implications of PSNH transferring the FGD WWTS effluent to local POTWs and Region 1's response.

Thank you, John

Mark Stein/R1/USEPA/US

02/05/2013 01:44 PM

To amy.dona, Sylvia Horwitz

cc

bcc

Subject Fw: Inside EPA article: Environmentalists Seek  
Zero-Discharge Limit In ELG, Worrying Power Sector

FYI - Gives you a little flavor for the FGD rulemaking controversy out there, and mentions our Merrimack permit specifically.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077

E- Fax: (617) 918-0077

----- Forwarded by Mark Stein/R1/USEPA/US on 02/05/2013 01:39 PM -----

From: Yen Hoang/R1/USEPA/US

To: Mark Stein/R1/USEPA/US@EPA, Damien Houlihan/R1/USEPA/US@EPA, Sharon  
DeMeo/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA, David  
Webster/R1/USEPA/US@EPA

Date: 02/05/2013 12:35 PM

Subject: Inside EPA article: Environmentalists Seek Zero-Discharge Limit In ELG, Worrying Power Sector

---

Fw: The Morning Headlines from InsideEPA.com -- February 5, 2013

#### Daily News

Environmentalists Seek Zero-Discharge Limit In ELG, Worrying Power Sector

Posted: February 4, 2013

Environmentalists are calling on EPA to adopt a strict, zero-discharge limit in its pending effluent limitation guidelines (ELGs) for new steam- and coal-fired power plants and at existing plants where it is feasible, saying that the Clean Water Act (CWA) calls for such a standard and the technology exists to comply.

But an industry source says retrofitting existing plants to install such technology would be cost prohibitive for utilities. "The CWA requires that EPA consider a whole lot of factors" when setting an ELG, "but it's got to be proven technology, they just can't go pie in the sky. Therein lies a discussion that EPA will have to have," the source says.

The emerging debate over the stringency of EPA's upcoming regulation, the first update to the rules since 1982, comes as the agency is moving to issue its long-awaited proposed rule by April 19, according to the terms of an agreement with environmentalists. EPA submitted a draft version of the proposal to the White House Office of Management & Budget (OMB) for review Jan. 15.

A source familiar with the issue says environmentalists are planning to meet in the coming weeks with OMB and EPA to "to emphasize . . . that this is a real problem, this has environmental and public health consequences, there are real folks that are impacted, there are

technologies available that other plants are already using and that the CWA requires."

Among other things, the rule is expected to address heightened concern over the toxicity of coal ash and other combustion residuals, as well as increased toxicity of power plant wastes stemming from control technologies that have been required to control mercury, sulfur and other harmful air emissions. Since such emissions control technologies were not widespread when the ELG was last revised in 1982, the current ELG rule does not cover the discharges.

Environmentalists in 2010 sued EPA to force it to release the rule, a case that resulted in the court ordered deadline. Industry, however, has appealed the order entering the settlement, arguing that the current time line rushes EPA, which could result in an overly stringent and flawed rule.

ELGs are technology-based limits that represent the greatest pollutant reductions that are economically achievable for an industry sector. EPA has considered several technologies that would ensure zero-discharge limits. According to a February 2012 document prepared for tribal consultation on the revised ELG, EPA said it was weighing technologies that would ensure no discharges of waste from the coal combustion process --in particular remains from the flue gas desulfurization process, bottom ash and fly ash, noting that the technology for dry ash transport is available.

For those waste streams, the technologies would then likely require capture of dry wastes and their treatment and disposal.

Environmentalists, who have long sought to curtail wet coal ash disposal, have called for a zero-discharge limit in a new ELG, seeing it as a faster way to regulate the practice than long-stalled EPA coal ash rules being developed under the Resource Conservation & Recovery Act (RCRA).

But environmentalists say they do not believe CWA limits alone are sufficient because they will not address transport, handling and storage requirements that can be regulated under RCRA hazardous waste provisions.

#### Merrimack Station

Even before EPA proposes a revised ELG, environmentalists have been advocating for zero-discharge technologies. For example, in comments on a draft national pollutant discharge elimination system (NPDES) permit for the Merrimack Station power plant in Bow, NH, a handful of environmental groups lead by Earthjustice urged EPA to prohibit the plant from discharging mercury.

"It is essential that EPA finalize limits for all discharged pollutants . . . that genuinely reflect maximum reductions that state-of-the-art pollution control technology can achieve. Further . . . it is incumbent on EPA to require the Public Service Company of New Hampshire to achieve zero liquid discharge as the company itself has determined is economically achievable."

While they have advocated for zero-discharge limits, the source familiar with the issue says that there is broad recognition from environmental groups that any standard is an improvement over the current lack of rules governing the waste.

"Whenever possible we would want a waste stream eliminated," the source says. "Obviously no wastewater pollution is better than some, but what we are dealing with in this particular rule is there is nothing and the power plant industry is the second largest discharge of toxics." A requirement for treatment technologies at all "would definitely be a major improvement and would be much more protective," the source adds.

The source says environmentalists are waiting to see what EPA's analysis is over the question of how technical and feasible -- a requirement of the CWA -- the treatment technologies are for the range of power plants given that will determine how much treatment the agency will require.

"Given the permit battles we've been in and what we've looked at, that zero-discharge limit is required under the [CWA], but we haven't seen EPA's analysis to form what is the appropriate standard," the source says. "But what we know is that power plants are already using these technologies, which to us indicates that it's feasible and economical," at least for new plants.

And if EPA chooses not to do a zero-discharge standard, the agency needs to quickly finalize its pending RCRA coal ash rule, though the agency says it will not likely be complete until at least 2014 if not later.

"You really need minimum safeguards for both discharge and disposal," the source says. "You do need both, if you are just using these evaporation technologies or dry ash handling and just dumping that in a land fill that doesn't have liners . . . you are just dumping it in the environment in a different way."

### Reasonable Limits

Meanwhile, industry is concerned that EPA will seek to set overly stringent standards that will be an economic burden on utilities and may not be achievable. "In broad-brush terms, the lens we are going to be looking through when we are looking at details of the rulemaking . . . [is that] any ELG needs to set reasonable limits that are achievable by a broad range of the plants effected by affordable and reasonable technology," says the industry source.

While the source acknowledges that the technologies looked at by EPA are all available, they will require in many cases retrofitting plants, which could reduce effectiveness and come at a great cost.

"I don't think they are talking about anything that is not technologically achievable" but the question is, "can it be appropriately retrofitted and is it giving you the benefit that you hope it's giving you," the source says. "In practice everything in a plant needs to be optimized, it's not just a plug-and-play technology," there is complex chemistry involved. "It's a tricky thing to do."

What's more, the source adds, "everything is more expensive to retrofit rather than building a

new facility." The cost estimates laid out by EPA in its presentations last year are already far too low, the source says, although it's unclear what a more accurate estimate would be.

And even then, the new technologies might not yield the desired results. "You can ask a vendor of a tech can it do something at x efficiency at y costs, in a perfect world where everything is working, absolutely . . . in reality, as we know from our own lives, things tend not to work perfectly."

As a result of those concerns, industry will be closely reviewing the proposed ELG to assess whether the limits are based on affordable and feasible technology, if EPA properly characterized the individual waste streams and volumes, if the agency took into account common practice on management of waste, if the rule includes comprehensive time frames and if it addresses categorization of plants to ensure rules are tailored to specific classifications of facilities. -- Jenny Hopkinson (jhopkinson@iwpnews.com This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

#### Related News: Energy Water

----- Forwarded by Yen Hoang/R1/USEPA/US on 02/05/2013 12:33 PM -----

From: "InsideEPA.com" <epa-alerts@iwpnews.com>  
To: Yen Hoang/R1/USEPA/US@EPA  
Date: 02/05/2013 07:35 AM  
Subject: The Morning Headlines from InsideEPA.com -- February 5, 2013

To ensure you receive our emails, please add epa-alerts@iwpnews.com to your address book.

February 5, 2013

#### Latest News

##### **Navy, Industry Say EPA Petroleum Vapor Guidance Is Too Conservative**

The Navy, industry and some state regulators are arguing in recent comments to EPA that the agency's draft guidance for assessing and addressing toxic vapors from petroleum spills contains many overly conservative assumptions and will unnecessarily

#### Latest Blogs

##### **IG Finds Broad IRIS Use**

A congressionally-requested Inspector General's (IG) review has found broad use among EPA regional officials of data in the agency's Integrated Risk Information System (IRIS) program, . . .

##### **Energy Panel Details EPA Oversight**

The House Energy and Commerce Committee is slated to adopt a broad oversight plan for the 113th Congress at business

increase the number of sites that undergo investigation.

[READ MORE >>](#)

#### **Advisers Question EPA Call To Retain Lead NAAQS Due To Uncertainties**

EPA Clean Air Scientific Advisory Committee (CASAC) members are questioning agency staff's draft proposal to retain the existing lead national ambient air quality standard (NAAQS) due to data uncertainties on the results of a tighter limit, with one adviser saying it is "distressing" that staff are citing the data limits to justify no policy change.

[READ MORE >>](#)

#### **Murkowski Seeks To Ease Permit Rules In Push To Bolster Energy Supplies**

In a bid to reduce dependence on foreign oil and make clean energy cheaper, Sen. Lisa Murkowski (R-AK), ranking member on the energy committee, is touting a broad agenda for reforming energy policy that includes streamlining permit requirements, preserving EPA's enhanced oil recovery (EOR) permit program, allowing states to trump EPA's hydraulic fracturing rules and overhauling the agency's renewable fuel standard (RFS).

[READ MORE >>](#)

#### **Power Plant ELG Likely To Address Increased Toxicity Due To Air Controls**

EPA's upcoming effluent

meetings this week that includes . . .

#### **OMB Reviews Human Testing Rule Again**

EPA has sent final revisions to its 2006 regulation protecting human subjects in pesticide studies to the White House Office of Management & Budget (OMB) . . .

#### **EPA Revises Appeals Board Rules**

EPA is revising its Environmental Appeals Board (EAB) procedural rules to limit the amount of briefing and oral arguments the board hears, a move the . . .

limitation guidelines (ELG) for coal- and steam-fired power plants, which is due for release this spring, is likely to require installation of technologies to reduce increased discharges of key metals due to new emissions control technologies required by recent agency air rules -- though given the associated costs it is unclear to what level the agency will require such controls.

[READ MORE >>](#)

#### **Environmentalists Seek Zero-Discharge Limit In ELG, Worrying Power Sector**

Environmentalists are calling on EPA to adopt a strict, zero-discharge limit in its pending effluent limitation guidelines (ELGs) for new steam- and coal-fired power plants and at existing plants where it is feasible, saying that the Clean Water Act (CWA) calls for such a standard and the technology exists to comply.

[READ MORE >>](#)

#### **Food Safety Plan Expands Reach Of EPA's Recreational Water Criteria**

Newly proposed food safety rules from the Food and Drug Administration (FDA) would apply EPA's controversial recreational water quality criteria, currently used to set health-based standards to protect beaches from harmful bacteria, to water used to irrigate, spray or pack food crops -- a move

that would greatly expand the reach of the criteria and could force farmers who use surface water for irrigation to treat it before application.

[READ MORE >>](#)

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**Telephone:** 703-416-8500 or 1-800-424-9068

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Mark Stein/R1/USEPA/US  
04/10/2012 09:44 AM

To Greg Dain  
cc  
bcc  
Subject fyi

Bow

## PSNH: Nearly all mercury emissions removed

### Test results show 98 percent reduction

By [Tricia L. Nadolny](#) / [Monitor staff](#)  
April 9, 2012

The Merrimack Station's scrubber is removing about 98 percent of mercury emissions, according to Public Service of New Hampshire officials who called the numbers the first true read on the project's success since it went online last September.

While the company has been able to measure sulfur dioxide reductions from the scrubber through a continual monitoring system, similar technology for mercury is not available, according to PSNH spokesman Martin Murray. PSNH hired The Air Compliance Group, an independent firm, to test mercury emissions at the coal-burning plant in January and again last month.

The results show between 97 and 98 percent mercury reductions, according to a recent PSNH progress report filed with the Public Utilities Commission. Murray said the reading puts PSNH well beyond the 80 percent mercury reduction set by the state Legislature when it mandated the wet flue gas desulfurization system, also known as a scrubber, in 2006.

"We certainly believe that this level of reduction began when the scrubber began operating in late September but we weren't able to actually measure it to confirm that reduction until early this year," Murray said.

The progress report also noted a sulfur reduction of up to 98 percent, beyond the 90 percent goal set by the company.

Environmental groups have remained critical of the project and yesterday Cathy Corkery, director of the Sierra Club's state chapter, said she wanted to see the Department of Environmental Services review PSNH's numbers before coming to any conclusions.

"I want to believe them. I think it would be exciting. That's what we want, less mercury, not more," she said. "But before I get out the champagne, I would like to see those numbers reviewed."

Corkery also called the state's mandate of 80 percent mercury reduction low for industry standards, saying the possible reductions are impressive compared to the modest benchmark.

According to PSNH, the project is anticipated to reach completion in June after a secondary wastewater treatment system is finished. The company has also reported the project will come in \$35 million under budget at a total cost of \$422 million.

***(Tricia L. Nadolny can be reached at 369-3306 or [tnadolny@cmonitor.com](mailto:tnadolny@cmonitor.com).)***

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

**Mark Stein/R1/USEPA/US**

11/19/2012 03:45 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Mark Stein/R1/USEPA/US**

01/02/2013 10:29 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Mark Stein/R1/USEPA/US**

01/28/2013 02:09 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Mark Stein/R1/USEPA/US**

02/12/2013 03:44 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Mark Stein/R1/USEPA/US**

12/17/2012 02:19 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Mark Stein/R1/USEPA/US**

03/06/2012 01:59 PM

To John King

cc

bcc

Subject Re: Off Site Trucking of Merrimack Station's FGD WWTS Effluent

Hi John - I have a conflict from 10:30 to 11:30 on 3/8. I'm pretty clear on 3/7 and 3/12 and 3/13.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

John King

Please provide your availability for Mar...

03/06/2012 11:01:59 AM

---

From: John King/R1/USEPA/US  
To: David Webster/R1/USEPA/US@EPA, Jeff Fowley/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA, Justin Pimpare/R1/USEPA/US@EPA, Joy Hilton/R1/USEPA/US@EPA, Sharon Leitch/R1/USEPA/US@EPA  
Cc: Jackie Leclair/R1/USEPA/US@EPA, Denny Dart/R1/USEPA/US@EPA, Beth Deabay/R1/USEPA/US@EPA  
Date: 03/06/2012 11:01 AM  
Subject: Off Site Trucking of Merrimack Station's FGD WWTS Effluent

---

Please provide your availability for March 7,8, 12 & 13 to discuss the implications of PSNH transferring the FGD WWTS effluent to local POTWs and Region 1's response.

Thank you, John



**Mark Stein/R1/USEPA/US**

05/09/2012 09:24 AM

To John King

cc Damien Houlihan, David Webster, "Andrews, Jeff", Sharon DeMeo, "Spanos, Stergios", Yen Hoang

bcc

Subject Re: PSNH Response to EPA FGD WWTS 308 Letter

John - Is any of it labelled CBI?

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

John King

[I have eleven pounds of information/dat...](#)

05/08/2012 01:17:26 PM

---

From: John King/R1/USEPA/US  
To: Mark Stein/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA, Yen Hoang/R1/USEPA/US@EPA, "Andrews, Jeff" <Jeffrey.Andrews@des.nh.gov>, "Spanos, Stergios" <Stergios.Spanos@des.nh.gov>  
Cc: Damien Houlihan/R1/USEPA/US@EPA, David Webster/R1/USEPA/US@EPA  
Date: 05/08/2012 01:17 PM  
Subject: PSNH Response to EPA FGD WWTS 308 Letter

---

I have eleven pounds of information/data from PSNH. The box contains sampling data, letters from POTWs, and responses to the questions posed in the 308 letter.

There is a total of 1855 pages. An electronic copy of the response was provided; but its "weight" is 68, 898 KB. I will have prune it into smaller packets to be transmitted by email. For those in Boston, please stop by and review the hard copies. It will help if you indicate what copies you want electronically.

Thank you, John

**Mark Stein/R1/USEPA/US**

09/28/2012 09:15 AM

To Nelson.Ericp

cc

bcc

Subject Re: Normandeau Report

I'll let you know. They have indicated that they want to get it copied, but they have not had the copy outfit contact me yet.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

Ericp Nelson

Hey Mark: Please let me know when I c...

09/27/2012 01:25:41 PM

---

From: Ericp Nelson/R1/USEPA/US  
To: Mark Stein/R1/USEPA/US@EPA  
Date: 09/27/2012 01:25 PM  
Subject: Normandeau Report

---

Hey Mark:

Please let me know when I can get that report I gave to you the other day back again.  
Thanks.

Eric

p.s. good to see you running outside the other day.

Eric P. Nelson  
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency  
New England Region  
5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

Phone: 617-918-1676  
FAX: 617-918-1505  
Email: nelson.ericp@epa.gov

Mark Stein/R1/USEPA/US

09/28/2012 09:17 AM

To Nelson.Ericp

cc

bcc

Subject Re: Normandeau Report

You know, when I'm back in on Monday, you can get it from me, and then as long as you have it by your desk, when they call to come get the material for copying, I can get it back from you. Let me know if you want to do that.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

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Eric P. Nelson  
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency  
New England Region  
5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

Phone: 617-918-1676  
FAX: 617-918-1505  
Email: nelson.ericp@epa.gov

**Mark Stein/R1/USEPA/US**

05/31/2012 09:36 AM

To Tom Irwin

cc John King, Damien Houlihan

bcc

Subject Re: Merrimack Station / indirect discharges to POTWs

Hi Tom - Two things in response to your letter of May 18, 2012.

First, we will make available to you (or your colleagues) the material submitted to us by PSNH in response to our CWA section 308 information request letter. We have the material in a box here at our Boston office. You (or one of your colleagues) may call John King (at 617-918-1295) to arrange a time to come review the material.

Second, with regard to your question concerning whether EPA received direct notice from any POTWs concerning their receipt or intent to receive wastewater from Merrimack Station, we are internally double-checking on the answer to your question. The last time we looked into this, the answer was that no POTW notified us directly but NH DES knew about certain facilities accepting Merrimack Station wastewater and DES had informed us about these facilities. We are now double-checking whether we received any notifications from POTWs since our earlier inquiry and will follow up with another email when we finish this effort.

-- Mark Stein

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

Tom Irwin

[Mark, As a follow-up to our recent conv...](#)

05/18/2012 10:15:15 AM

---

From: Tom Irwin <tirwin@clf.org>  
To: Mark Stein/R1/USEPA/US@EPA  
Date: 05/18/2012 10:15 AM  
Subject: Merrimack Station / indirect discharges to POTWs

---

Mark,

As a follow-up to our recent conversation, please see the attached correspondence.

Many thanks,  
Tom

**Tom Irwin**  
Vice President  
Director, CLF New Hampshire  
27 North Main Street  
Concord, NH 03301-4930

P: 603-225-3060, ext. 3013

E: [tirwin@clf.org](mailto:tirwin@clf.org)

For a thriving New England

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

This Email message contained an attachment named  
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which may be a computer program. This attached computer program  
could  
contain a computer virus which could cause harm to EPA's  
computers,  
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses  
introduced  
into the EPA network. EPA is deleting all computer program  
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sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate,  
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should contact the sender and request that they rename the file  
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extension and resend the Email with the renamed attachment.  
After  
receiving the revised Email, containing the renamed attachment,  
you can  
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at  
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

[attachment "2012-5-18 letter to Mark Stein, EPA.pdf" deleted by  
Mark Stein/R1/USEPA/US]

Mark Stein/R1/USEPA/US

08/03/2012 03:59 PM

To Yen Hoang

cc Nelson.Ericp

bcc

Subject Fw: Doc 1

Hi Yen - See below. There is one record that we've been planning to release to Balch & Bingham with the new collection of records, but Eric has been working with it. It is a marked up copy of document #1 from the Phil Warren FOIA Privileged database. Please let Eric know when they are coming to get the stuff for copying and he'll give the record to you to include with the others.

Thanks.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077

E- Fax: (617) 918-0077

----- Forwarded by Mark Stein/R1/USEPA/US on 08/03/2012 03:56 PM -----

---

From: Ericp Nelson/R1/USEPA/US  
To: Mark Stein/R1/USEPA/US@EPA  
Date: 08/03/2012 03:56 PM  
Subject: Doc 1

---

Hey Mark:

Got you message. Yes I have Doc #1, and I will pass it onto Yen for when our friends come in to review documents.

Have a great vacation! Go easy on the calf.

Eric

Eric P. Nelson  
Ocean and Coastal Protection Unit

U. S. Environmental Protection Agency  
New England Region  
5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

Phone: 617-918-1676

FAX: 617-918-1505

Email: nelson.ericp@epa.gov

**Mark Stein/R1/USEPA/US**

12/03/2012 03:10 PM

To Yen Hoang

cc Sharon DeMeo, John King, Damien Houlihan

bcc

Subject Re: PSNH Response to EPA's Proposed Discussion on FGD Wastewater

Yes, we need to get on the questions right away, or the meeting will end up being pushed off even further.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square - Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

Yen Hoang

Mark -- I'm available the week of Dec. 1...

12/03/2012 03:09:34 PM

---

From: Yen Hoang/R1/USEPA/US  
To: Mark Stein/R1/USEPA/US@EPA, Sharon DeMeo/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA  
Cc: Damien Houlihan/R1/USEPA/US@EPA  
Date: 12/03/2012 03:09 PM  
Subject: Re: PSNH Response to EPA's Proposed Discussion on FGD Wastewater

---

Mark -- I'm available the week of Dec. 10, except for 10:30 - 11:30am on Thursday, Dec. 14.

Sharon and John -- I think we need to get together to decide on the questions. Can we do it tomorrow?  
Sharon, if you don't mind, may be you can call in?

Yen

---

Yen P. Hoang  
Office of Regional Counsel  
U.S. EPA Region 1  
5 Post Office Square - Suite 100  
Mail code: ORA17-1  
Boston, MA 02109-3912  
Phone: 617.918.1171  
Fax: 617.918.1029  
Email: Hoang.Yen@epa.gov

**Mel Cote/R1/USEPA/US**

10/24/2012 04:43 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting



**Mel Cote/R1/USEPA/US**

10/24/2012 04:44 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Mel Cote/R1/USEPA/US**

01/08/2013 09:15 AM

To John King

cc

bcc

Subject Declined: Merrimack Station Update Meeting

**Melissa Hoffer**  
<MHoffer@clf.org>  
07/10/2012 03:41 PM

To John King, Tom Irwin  
cc Mark Stein  
bcc  
Subject RE: Merrimack Station FGD Effluent Data

Thanks, John, very much.

Melissa

**From:** John King [mailto:king.john@epamail.epa.gov]  
**Sent:** Tuesday, July 10, 2012 1:45 PM  
**To:** Tom Irwin; Melissa Hoffer  
**Cc:** Mark Stein  
**Subject:** Merrimack Station FGD Effluent Data

Tom and Melissa,

The effluent data received from PSNH in response to EPA's 308 letter is too large to be transmitted via email. I have copied PSNH's response on to a CD, and it should arrive at your office by the end of the week.

John

Melissa Hoffer  
<MHoffer@clf.org>  
07/05/2012 02:59 PM

To John King, Tom Irwin  
cc Mark Stein, Cristeen Schena  
bcc  
Subject RE: PSNH 308-letter materials

Hi John: I have checked my e-mail records, and for some reason did not receive your June 26 e-mail. Would you kindly please resend it to me. Would you also please identify by date the precise CLF FOIA to which this information is responsive. Thanks.

Best,  
Melissa

---

From: John King [king.john@epamail.epa.gov]  
Sent: Thursday, June 28, 2012 10:54 AM  
To: Tom Irwin; Melissa Hoffer  
Cc: Mark Stein; Cristeen Schena  
Subject: Re: PSNH 308-letter materials

Tom and Melissa,

On Tuesday, June 26, an electronic copy of the entire reply of PSNH to Region 1's 308 letter concerning Merrimack Station's FGD WWTs effluent was emailed to you. Region 1 considers all the documents you requested have been made available; therefore, your FOIA request has been met and the FOIA will be closed.

John

-----Tom Irwin <tirwin@clf.org> wrote: -----  
To: Mark Stein/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA  
From: Tom Irwin <tirwin@clf.org>  
Date: 06/22/2012 01:34PM  
Cc: Melissa Hoffer <MHoffer@clf.org>  
Subject: PSNH 308-letter materials

Mark and John,

Are you in a position to disclose the materials marked confidential by PSNH? We are anxious to receive the full response. I'm not sure how much the materials overlap but, as I mentioned to John, PSNH apparently waived its prior claims of confidentiality with respect to documents responsive to a CLF right-to-know request to NHDES. If you want to connect with them, Pete Demas at NHDES could likely give you the full story.

My hope is that you can provide a digital copy of PSNH's response by the June 27. Please note that I'll be away and without access to email much of next week, so please "reply all" to include Melissa Hoffer when responding.

Thank you in advance,

Tom

Tom Irwin  
Vice President  
Director, CLF New Hampshire  
27 North Main Street  
Concord, NH 03301-4930

P: 603-225-3060, ext. 3013

E: tirwin@clf.org

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image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

Nicole Costa/R1/USEPA/US  
03/15/2012 02:05 PM

To Aaron Gilbert, Austine Frawley, Betsy Davis, Carl Dierker, Catherine Smith, Chau Vu, Dan Brown, David Webster, Denise Springborg, Ed Woo, Erik Beck, Heather Cote, Hugh Martinez, James Chow, Jeanhee Hong, Joanna Jerison, John Kilborn, Katrina Kipp, Ken Moraff, LauraJ Berry, Lucy Edmondson, ManChak Ng, Margaret McDonough, Nicole Aquillano, Robin Biscaia, Ronnie Levin, Ruthann Sherman, Sally Burt, Sarah Levinson, Shutsu Wong, Steven Viggiani, Tim Conway

cc

bcc

Subject TOC Inside EPA - 03/16/2012

Inside EPA - 03/16/2012

[Background Documents](#)

## **EPA Poised To Unveil Revamped Voluntary Program For Reducing Ozone**

EPA is poised to unveil a revamped voluntary program encouraging states to make early cuts in ozone in exchange for credit for those reductions in plans for meeting the agency's ozone air standard, but states are seeking clarification on how the program could impact their future attainment status.

## **EPA Finds Drilling Emissions Cannot Win 'Intermittent' Permit Exemption**

EPA headquarters is concurring with an opinion by Region II that emissions from drilling equipment at hydraulic fracturing operations qualify for an "intermittent" exemption from counting toward the operations' total pollution for permitting purposes, but could trigger strict new emission controls on fracking.

## **Awaiting TSCA Reform, ACC Plans New Safety Codes To Address Risks**

With efforts to reform federal toxics law stalled, the American Chemistry Council (ACC) is ramping up its efforts to develop a standard for member companies' management of environmental, health and safety risks, including development of a stewardship code that could set a benchmark for future regulations.

## **EPA Examining Existing Authorities To Step Up Regulation Of Fracking**

EPA is conducting a broad review of its legal authorities to increase its oversight of hydraulic fracturing and bypassing rules that make it difficult for the agency to regulate some practices, a review that some sources say is getting a boost by the development of natural gas resources.

## **ECOS Weighs Call For EPA To Assess Costs, Benefits Of GHG Reductions**

The Environmental Council of the States (ECOS) could be close to asking EPA to study the costs and benefits of reducing greenhouse gases (GHGs) by 80 percent by 2050, sources say, which could help the diverse group of states as they move on the need for GHG cuts.

## **EPA Slated To Soften Diesel Fracking Policy Under Terms Of Settlement**

Under a recent settlement agreement with industry groups, EPA is slated March 15 to soften controversial policy that required hydraulic fracturing operations that use diesel fuel in their injection fluid to seek strict underground injection control rules.

## **Power Plants Warn EPA Over Landmark Water Permit To Control Toxics**

Electric utilities are warning EPA that its precedent-setting draft permit for discharges from a New Hampshire power plant's flue gas desulfurization (FGD) unit, a technology plants use to comply with major agency sulfur and air toxics rules, may be unlawful based on an "arbitrary and capricious" scientific analysis.

## **GOP Eyes CWA 'Tweaks' For More Flexible Point Source Pollution Program**

A key House GOP staffer says that some lawmakers are eyeing potential "tweaks" to the Clean Water Act (CWA), increasingly strict EPA efforts to permit "non-traditional" point sources of pollution -- such as runoff from logging -- through more flexible permitting approaches.

## **Sen. Paul Blasts Industry Strategy On CWA Jurisdiction Policy As 'Snail'**

Backed by property rights and free-market groups, Sen. Rand Paul (R-KY) is calling on major industry groups to stop at blocking EPA's pending guidance for determining when marginal waters are subject to the Clean Water Act (CWA). Paul's bill that would broadly restrict the law's reach.

## **Water Utilities Urge OMB To Allow Cr6 Monitoring In Pending SDWA Rule**

Water utilities, together with environmentalists, are urging the White House to quickly approve EPA's final rule on drinking water contaminants that utilities must monitor and to require monitoring of hexavalent chromium (Cr6), which is present in many water supplies but which EPA does not regulate as a stand-alone substance.

## **California Plant's GHG Permit Could Set Precedent For Backup Power**

EPA Region IX officials are struggling to finalize a proposed greenhouse gas (GHG) emission limit for a California peaking power plant that will back up renewable energy facilities, a decision that could set a national precedent for other sources say.

## **EPA Adding Anti-Discrimination To Multi-Year Environmental Justice Strategy**

EPA Administrator Lisa Jackson says the agency is crafting a supplement to its strategy document for elevating environmental justice decisions -- known as "Plan EJ 2014" -- to include Title VI of the Civil Rights Act, which prohibits discrimination by the federal government.

## **NRDC Seeks Carbon Cost Update To Bolster Benefits Of GHG Reductions**

The Natural Resources Defense Council (NRDC) is urging the Obama administration to alter how it measures the benefits of greenhouse gas (GHG) reductions to result in even greater predicted benefits from cutting emissions, a move that could help EPA and other agencies justify their rules on greenhouse gases (GHGs) by pointing to larger benefits of the rules.

## **CEQ Rejects Push To Mandate Agencies' GHG Energy Extraction Reporting**

The White House Council on Environmental Quality (CEQ) has floated a draft greenhouse gas (GHG) reporting rule that reiterates that agencies can voluntarily report emissions from energy extraction activities conducted by private entities, despite calls from environmentalists to mandate such reporting.

## **White House Approves Updated EPA Water Office Climate Change Strategy**

The White House Office of Management & Budget (OMB) has approved EPA's updated strategy for how its water programs address climate change -- a document that could bolster environmentalists' calls for stepped up enforcement of the agency's drinking water protection programs to address the issue.

## **EPA IG To Review Agency's Use Of IRIS Assessments In Decision Making**

EPA's Office of Inspector General (IG) is launching an investigation into how agency program and regional office use Integrated Risk Information System (IRIS) toxicological assessments prepared by the agency's Integrated Risk Information System (IRIS), the controversial system that has drawn widespread criticism from industry groups and GOP lawmakers.

## **White House Giving Industry No Guarantees On EPA Fuel, Vehicle Air Rule**

A senior White House official made no guarantees regarding EPA's pending "Tier III" fuel and vehicle rule during a meeting with industry representatives to discuss concerns with the rules, which industry and other critics fear will boost fuel prices.

## **New NCI Data Could Help EPA Quantify Diesel Exhaust's Cancer Risks**

Newly released studies by the National Cancer Institute (NCI) showing high cancer risks from heavy exposure to diesel exhaust, with the data it has long been seeking to quantify the substance's cancer risks and update a 2002 risk assessment.

"likely" carcinogen, sources say.

## **Despite Concerns, White House Backs EPA's RFS, Drop-In Biofuels**

The White House is voicing new support for EPA's renewable fuel standard (RFS) and a multi-agency effort to achieve energy independence and clean energy goals -- even as some on Capitol Hill clamor to dismantle the RFS program and oppose recent EPA feedstock approvals for drop-in fuels.

## **EPA To Avoid Controversial Laboratory Data In Fuels Risk Assessment**

EPA has announced that it will not use cancer data from a controversial Italian laboratory for its ongoing risk assessment of additives methyl tertiary butyl ether (MTBE) and ethyl tert-butyl ether (ETBE), after a lengthy pathology review and preliminary findings that it overestimated cancer risks.

## **GAO Produced Water Study Could Boost Industry Efforts To Stop Gas**

A recent Government Accountability Office (GAO) study, which found that produced water associated with natural gas drilling, according to region, could bolster industry efforts to push against forthcoming EPA wastewater rules for the gas industry.

## **EPA Crafts New CAFO Permitting Guide, Prompting Industry Warnings**

The White House Office of Management and Budget (OMB) is reviewing a draft EPA guidance that appears aimed at ensuring that animal feeding operations (CAFOs) must apply for Clean Water Act (CWA) discharge permits in the wake of an EPA rule that is limited when the facilities must seek permits.

## **EPA Expects New Chemical Study Program To Drive Targeted 'Use' Rules**

Staff in EPA's toxics office say their recently unveiled program for prioritizing chemicals of concern will allow the agency to conduct assessments that they anticipate can result in targeted rules pertaining to specific uses of chemicals, rather than the broad-based approach that has been reluctant to push in the face of legal challenges.

## **EPA Proposes To Tighten Reporting Requirements For E-Waste Exports**

EPA is proposing stricter reporting requirements for exporters of cathode ray tubes (CRTs) destined for reuse or recycling and is clarifying its ability to enforce against businesses that violate the requirements, which could help address concerns raised by the Accountability Office (GAO) over the agency's lax oversight of the exports but falls short of a ban on exports that the agency is calling for.

## **Industry, States Reject EPA Defense Of Utility Air Trading Rule's Legality**

Industry, states and others in new legal briefs are rejecting EPA's defense of the legality of its utility emissions trading rule. The agency errs in claiming the rule fixes flaws a federal appeals court found with a Bush-era predecessor of the rule and plans to impose the rule on states subject to it.

## **New Study Could Help EPA Address Growing Seismic Risks From Fracking**

The Obama administration's call for Congress to fund an expanded study on the risks of hydraulic fracturing coupled with new rules are adequate to address potential seismic risks stemming from wastewater disposal from the gas drilling practice, heightened by Ohio's recent finding that a series of quakes were caused by such disposal.

## **Environmentalists Sue To Force EPA To Set Strict Nutrient Control Limits**

Environmentalists have filed two major lawsuits aimed at forcing EPA to step up its efforts to strictly regulate nitrogen and phosphorus under the Clean Water Act (CWA), a move that is likely to revive controversy over the issue just as the agency has begun to get serious about curbing nutrient pollution.



**Sharon DeMeo/R1/USEPA/US**

10/09/2012 12:53 PM

To Damien Houlihan, David Webster

cc

bcc

Subject Training Request

Hi Damien and Dave,

Here are the specifics of my training request:

- Title of course (or subject, if not known) - The International Water Conference
- Number of hours in training - 26+ (there are added workshops on Wednesday afternoon and Thursday of this week; one of these on Thursday afternoon, November 8, 2012, is titled Thermal Zero Liquid Discharge Processes but would cost an additional \$250 and I would need to stay an extra day)
- Date(s) of course (or time frame, if specific date is unknown) - Monday, November 5, 2012 to Thursday, November, 8, 2012
- Cost of course/training - Registration is \$375 (after 10/14/12 it is \$425)
- Location of course/training - San Antonio, Texas
- Will this also require travel money? Yes - meals, lodging, and transportation.
- Objective – (brief) - To attend technical sessions and learn the latest information about new applications available and application issues that have been documented in the industrial water treatment industry, specifically flue gas desulfurization wastewater treatment and zero liquid discharge technologies.

Please let me know if you have any questions or would like to discuss more details regarding the conference. I hope this opportunity is within our budget but I certainly understand if it is not. Thank you.

Sharon

Sharon DeMeo/R1/USEPA/US

10/09/2012 03:41 PM

To David Webster

cc Damien Houlihan

bcc

Subject Re: Training Request

Hi Dave,

That is the title of the conference. Here are some of the technical sessions (from the website [http://www.eswp.com/water/technical\\_program.htm](http://www.eswp.com/water/technical_program.htm)):

## MONDAY

### 21st Century Water Challenges: Designing and Operating ZLD Plants

Zero Liquid Discharge (ZLD) system is a system where no water leaves the boundary of the facility. In the recent times, regulations have become tough enough to make ZLD a feasible and economical option. However, it is inherently more complicated as it requires every drop of wastewater produced to be retreated, reused and eventually concentrated to solid waste. We will be discussing some of these challenges and remedies in this session.

#### **IWC 12-13: No Easy Answers: ZLD Improvement Options for a 720-MW Power Generation Facility**

Daniel Sampson, WorleyParsons, Vallejo, CA

The water treatment infrastructure for a relatively new 720-MW power generation facility includes a Zero Liquid Discharge (ZLD) system. The ZLD system receives cooling tower blowdown as the primary feedwater. The ZLD system allowed unrestricted power plant operation for the first three years following initial power plant commissioning, but ZLD system bottlenecks restricted plant operation and required a significant amount of off-site wastewater disposal in subsequent years.

The system as currently configured consists of a fairly typical power plant ZLD system with six basic processes: cold-lime softening, multimedia filtration, wastewater reverse osmosis, brine concentrator (BC), brine crystallizer (BXTal), belt filter press (BFP).

This paper examines the plant's ZLD system in detail, focusing on the following questions:

1. Why is the ZLD system a problem now when it wasn't a problem in the past?
2. What process improvements have been attempted in the past and with what results?
3. What options exist for eliminating or mitigating the ZLD process bottlenecks and at what cost?

The discussion answers these questions with the goal of providing a clear understanding where the plant is now, how it got here, where it can go in the future, and how much it will cost to get there.

#### **IWC 12-14: A Unique All Membrane Integrated Makeup and Zero Liquid Discharge System** Gerald Alexander, Siemens Industries, Inc., La Canada, CA

The growing trend to limit the use of fresh water while minimizing, if not totally eliminating the discharge of wastewater in the Power Industry has made the need to provide an integrated approach a critical factor. This Paper describes how the combination of off-site service and a wastewater design that combines precipitation with microfiltration was the solution for the Harry Allen Gas Turbine Combined Cycle power plant. The virtually all membrane design operates at an overall recovery of 95% while discharging a stream of

wastewater to evaporation ponds and trucking solids off-site. The feedwater to the plant is variable originating from three different water sources; while the wastewater is a combination of reverse osmosis concentrate, steam generator blowdown, evaporative cooler blowdown, wet surface air cooler blowdown, multimedia backwash water, oil/water separator wastes, and other service waste waters. This design overcomes many of the shortcomings of a conventional or a thermal approach which would have much higher capital and operating costs.

#### **IWC 12-15: Treatment of Cooling Tower Blowdown Water with Membranes in a Zero Liquid Discharge Power Plant**

**Marvin Drake, Indiantown Cogeneration LP, Indiantown, FL**

Reuse of process and waste water in power plants has become increasingly important over the past decade. The Indiantown Cogeneration plant in Florida (360 MW capacity) has recently modified their zero liquid discharge scheme to incorporate the use of microfiltration and reverse osmosis technology to treat the blowdown from their cooling tower. There are three identified sources for make-up water at the plant--- grey water, highly saline and moderately saline well water and highly organic surface water, or a combination of these waters. The filtered make up water is sent as feed to the cooling tower. Blowdown from the cooling tower was originally sent to two brine concentrators and the distillate from the brine concentrator was utilized as boiler feed water. The plant desired flexibility in the source of makeup water to the cooling tower. It was also desirable to replace the brine concentrators completely since they suffered from skin cracking problems, requiring expensive upgrades. The reduction of parasitic load by elimination of the brine concentrators was an attractive driver as well.

Extensive trials were conducted with a membrane system consisting of a hollow fiber microfiltration integrated with a reverse osmosis unit. The results are discussed in detail in the presentation. The membrane system allowed the brine concentrators to be completely replaced. The results demonstrated that the membrane system generated very high quality permeate that could be used as boiler feed. The reject of the RO system could be processed in the existing spray drier absorber system (dry scrubber), thereby implementing zero liquid discharge.

The Integrated Membrane System was commissioned in 2011 and has been operating smoothly for over 8 months. Operating field data for the system is included in the presentation. Preliminary indications are that a return on investment would be achieved within three years.

#### **IWC 12-16: Zero-Liquid Discharge System at Progress Energy Mayo Generation Station** **Matthias Loewenberg, GEA Process Engineering Inc., Columbia, MD**

Progress Energy is currently installing a new Zero-Liquid Discharge treatment system for Flue-Gas Desulfurization Waste Water at their Mayo Generation Station in Roxboro NC. The system, designed and supplied by GEA Progress Engineering Inc., helps Progress Energy's continuous commitment to provide safe, reliable and environmental friendly energy generation. The Zero-Liquid Discharge addition to their existing FGD scrubber supports compliance with tight NPDES wastewater discharge regulations. The Partial Zero-Liquid Discharge system consists of proven falling film evaporator technology with a secondary forced circulation evaporator in order to reduce the FGD blow down volume significantly. The resulting concentrated brine will be mixed with Plant fly ash and disposed in a new on-site landfill. The distillate water will be used in the Plant systems, reducing the make-up water demand.

Numerous treatment options were considered for this facility, however ZLD was chosen based on multi-pollutant removal ability, proven technology, and cost. This paper will outline the methodology behind the selection of this Partial Zero-Liquid Discharge approach with respect to environmental compliance.

### **Challenges in FGD Waste Water Treatment**

This session reviews recent developments in Flue gas desulfurization system design, operation, and technology development which will provide insight and valuable information.

#### **IWC 12-25: FGD Evaporation Plant Operations**

J. Michael Marlett, Aquatech International Corp., Hartland, WI

Environmental quality remains a high priority in the power industry. These quality requirements result in the advancement of treatment techniques to provide plant discharges, air and water, to be minimized by reuse or of a quality that is either equal or higher in purity of the influents. Applications of existing technology are often employed but not validated with reports of performance. FGD wastewater treatment methods have centered mostly on physical and biological methods. Zero Liquid Discharge thermal solutions have been applied and are presently in use. The potential users and the EPA have yet to determine if thermal treatment techniques are the best available technology for this pollution source. This paper is a report on the operation of the plants in Italy that are operated and maintained by ENEL.

Five plants were installed at ENEL power plants in Italy. They have been operating for 4 years. How have they lived up to the expectations regarding expected operation? This paper is a report of the operation of the units at ENEL 4 years after their startup.

#### **IWC 12-26: Selenite and Selenate Removal by Functionalized Alumina Adsorption Technology**

Nancy Sherwood, MAR Systems Inc., Solon, OH

Selenium speciation presents unique challenges for removal to low ppb trace levels. The selenite oxyanion is much more readily removed from water by adsorption technology in flow-through column studies than the selenate oxyanion. Selenate removal however, is key to wastewater decontamination in the coal mine process and FGD scrubber water markets. The removal of both species is discussed as a function of water quality, pH and temperature. Water conditioning pretreatment options that improve selenate removal by adsorbent technology is discussed and treatment case histories providing selenium removal in coal mine process water ponds to very low levels of 1-2 ppb selenium are provided.

#### **IWC 12-27: Ash Pond Replacement Therapy**

Thomas Higgins, CH2M HILL, Chantilly, VA

In this presentation, CH2M HILL will convey the following:

1. A review of the regulatory drivers pushing the elimination of pond-based flue gas desulfurization (FGD) wastewater and ash transport (sluicing) and disposal (pond-landfills) management. This review will include an overview of the treatment technologies being considered by EPA in setting Best Available Technology limits—physical/chemical treatment, biological treatment, and zero liquid discharge (ZLD).
2. Methods used for collecting, and typical data on, the following: flow and composition of wastewater streams;

development of site-specific design bases; characterization of typical wastewater flows; reuse of wastewater to reduce discharges; and use of mass balance and chemistry modeling tools to evaluate reuse, treatment, and discharge strategies to meet these new limits.

3. Concepts on using existing evaporation (from cooling towers and FGD absorbers), or utilizing blowdown water for conditioning of flyash, and other water reuse and conservation measures to reduce the amount of wastewater requiring treatment.

4. Process "tips and tricks" and engineering concepts for ash-pond replacement systems, including provisions for water reuse or more stringent future effluent limitations.

5. Example ash pond replacement treatment systems, one of which was recently placed in service.

#### **IWC 12-28: Removal of Selenium from Aqueous Waste Streams**

Anna Casaus, Kemira, Atlanta, GA

Selenium is a micronutrient that, while essential to life in low concentrations, is bioaccumulative, threatening aqueous biota and those higher in the food chain. Thus, the removal of selenium from wastewaters is a technical challenge that is increasingly gaining interest from a number of industries. As regulatory limits become more stringent, a solution that can consistently achieve low effluent levels is highly desirable.

Kemira is developing technologies targeting the removal of selenium to trace concentrations from a number of aqueous streams resulting from coal processing and utilization. Research has focused on understanding and/or manipulating the effects of water matrix parameters, such as the species of selenium present, pH, and competing ion concentrations, among others. The objective is to develop technologies that will achieve high levels of selenium removal while minimizing the formation of a secondary waste, as well as the potential for leaching after disposal.

This paper will present an overview of the characterization of selenium present in wastewaters, since both the oxidation state of selenium and the pH play a key role in removal efficiencies. This is especially important in flue gas desulfurization (FGD) streams where high sulfate levels can interfere, particularly with the removal of selenate, due to the similarities of the oxyanions. While greater than 90% removal has been demonstrated through optimization to date, work is ongoing to further improve the treatment to meet the stringent discharge limits in place or proposed in many areas.

#### **TUESDAY**

##### **Pilot and Full Scale Operating Experiences for FGD Wastewater Treatment**

The unique combination of constituents found in FGD wastewater streams present challenges to both equipment process suppliers and plant operations. Existing receiving stream discharge limits and upcoming regulations regarding FGD wastewater have encouraged the industry to develop creative technologies for wastewater management. This session will review pilot and full scale FGD wastewater treatment technology experiences designed for reduction of nitrates, boron, nutrients, selenium and total dissolved solids from FGD wastewater.

**IWC 12-41: Design and Start-up of a Full-scale Biological Selenium Removal System for Flue Gas Desulfurization (FGD) Wastewater from a Power Generating Station** Antonio Lau, Infilco Degremont, Inc., Richmond, VA

This paper describes the design, start-up and commissioning of a full-scale biological treatment system that was installed at a coal-fired power generating station to remove selenium and nitrates from a Flue Gas Desulfurization (FGD) blowdown stream. The new patented iBIO® wastewater treatment (WWT) system was first pilot tested and it is based on a suspended growth continuous-stirred-tank anaerobic reactor that has been seeded with a source of commonly available anaerobic microorganisms which were subsequently acclimated to remove selenium from the FGD wastewater. This new innovative WWT system was integrated into the power station's existing WWT unit to provide the additional selenium removal capability from the wastewater.

This demonstrated biological selenium removal treatment system provides a robust and cost-effective alternate technology to coal-fired utilities that use FGD wet scrubbers to control their sulfur oxide (SO<sub>x</sub>) emissions and also need to consistently meet the more stringent low-level selenium effluent permit limits.

#### **IWC 12-42: Start-up and Operation of a Full Scale, No Liquid Discharge Boron Removal Process for FGD Waste Water**

**H Robert Goltz, The Dow Chemical Company, Midland, MI**

Boron can be present in the wastewater of FGD scrubbers and must be removed. Dow Water & Process Solutions and Infilco Degremont, Inc. have developed an end-of-pipe system to remove boron contamination down to required discharge limits. This report will present the results of a successful plant start-up and operations.

#### **IWC 12-43: A Pilot Demonstration of Spray Dryer Evaporation as a Method to Treat Power Plant FGD Wastewater**

**Jason (Xinjun) Teng, Southern Company, Birmingham, AL**

The United States Environmental Protection Agency (USEPA) is expected to limit the concentrations of species including selenium and mercury allowed to be discharged in wastewater from wet flue gas desulfurization (FGD) units. One treatment option is spray drying evaporation, a Zero Liquid Discharge (ZLD) technology. In this process, FGD wastewater droplets are sprayed concurrently with hot flue gases and the dried solids are collected using an electrostatic precipitator (ESP) or baghouse.

A pilot scale test was conducted at plant Gadsden of Southern Company to demonstrate this technology. The droplet mass mean diameter was adjusted to 40 µm during the test. A thermal model was established. The model showed that to evaporate 200 gpm FGD wastewater with 40,000ppm chloride, with an inlet and outlet gas temperatures of 620°F and 400°F, the required flue gas flow was estimated to be 0.95–106 acfm. Data illuminated that mercury in the FGD wastewater did not evaporate back to the flue gas. Instead, all the mercury deposited in the solids. Addition of active carbon could further remove the mercury from flue gas. Around 99% of the chloride in the wastewater was crystallized, and the left 1% was evaporated into the flue gas. An increased baghouse pressure drop was observed during the test.

#### **IWC 12-44: Constructed Wetland Treatment System for FGD Wastewater Treatment - Pilot Project Final Results**

**Christopher Snider, Burns & McDonnell Engineering Company, Kansas City, MO**

Constructed wetland treatment systems use natural biological processes to reduce the concentrations of constituents in the wastewater and have demonstrated promise for the treatment of FGD wastewater. However, limited industry and academic research has been conducted and very few full scale applications have been undertaken. Constructed wetland

treatment systems have been used effectively for the treatment of other industrial and municipal wastewaters but widespread use in the power generation sector has not yet developed due to lack of research and project experience.

A major power producer has decided to undertake a constructed wetland treatment system pilot project to evaluate the technology. The constructed wetland, currently in operation, is approximately 2 acres in size and treats approximately 7 percent of the plant FGD wastewater stream. The initial Pilot results were presented at the IWC 2010 Conference. This presentation will cover the final Pilot results and will explain the decision making process implemented when faced with the decision to build the full scale constructed wetland treatment system within a critical time frame.

### **FGD Wastewater Chemistry and Treatment**

FGD blowdown streams continue to be complex wastewaters that require innovative methods of measurement and treatment. Without a true understanding of the blowdown chemistry, it can be difficult to pin point the proper treatment process. Once a treatment process is identified, balancing water within the facility becomes a challenge.

**IWC 12-57: Chemistry of FGD Blowdown**  
Thomas Higgins, CH2MHILL, Chantilly, VA

In the past, zero liquid discharge has been used for wastewater management in the power industry primarily on cooling tower blowdown, and in locations where water is scarce or there were limited options for discharging the wastewater. As limits for metals are lowered and new parameters are being regulated, the complexity and cost of treatment to meet these low limits and add on treatment technology has made zero liquid discharge a more viable option. TDS of Cooling tower blowdown is primarily sodium chloride, which is relatively straightforward to treat. Sodium chloride is abundant in nature and streams containing high concentrations exist (like seawater) and can be concentrated to a high level given the high solubility of sodium chloride in water. FGD blowdown consists mainly as calcium and magnesium salts of chloride and sulfate, with chloride levels varying depending on the metallurgy of the scrubber. Chloride levels can vary from 3,000 to 35,000 mg/L. The characteristics of the blowdown will vary depending on the chloride concentration which drives the number of times the water can be concentrated. The magnesium to calcium ratio of the limestone will drive the amount of magnesium in solution. The sulfur to chlorine ratio of the coal will determine whether the blowdown will be dominated by sulfate or chloride. A coal high in chloride combined with a high calcium limestone will produce a blowdown high in calcium and chloride and low in magnesium and sulfate. A high sulfur coal and high magnesium limestone will produce a low calcium, high magnesium sulfate and chloride blowdown. Concentration of FGD scrubber blowdown produces a stream that is primarily calcium and magnesium chloride. This presentation will discuss the water chemistry associated with concentrating and crystallizing FGD blowdown, and present a commercial model used in the evaluation.

**IWC 12-58: Extending the Linear Dynamic Range for Measurements of Selenium in Complex Flue Gas Desulfurization Water Systems By Inductively Coupled Plasma Mass Spectrometry**  
Frank Kero, Kemira, Atlanta, GA

The efficacy of novel treatment formulations that aim to sequester, precipitate or encapsulate anthropogenic pollutants like selenium (Se) from a bulk environmental matrix has been determined by inductively coupled plasma mass spectrometry (ICP-MS). This analytical challenge associated with a linear dynamic range from untreated ppm levels to

treated ppb levels is compounded by variable measurement interferences during process. Strategies to mitigate this issue via offline sample preparation methods (e.g. microwave digestion, solid phase extraction) and the optimization of online resolution elements (e.g. optimization of the octopole collision cell parameters and the evaluation of quadrupole mass spectrometer scan modes) will be discussed. The limitations of linearity (i.e. accuracy, precision, detection limits, matrix equivalency to calibration standards, %recovery) for this analytical method have been demonstrated for field samples collected from flue gas desulfurization (FGD) waters. A two way ANOVA design of experiment was employed to evaluate sources of variability in measurement. A review of post-data treatment correction equations will also be presented.

#### **IWC 12-59: Pilot-Scale Demonstration of the hZVI Process for Treating FGD Wastewater**

**Yongheng Huang, Texas A&M University, College Station, TX**

The hybrid zero-valent-iron (hZVI) process is a novel chemical treatment process that has shown great potential in previous laboratory and field bench-scale tests for removing selenium, mercury, and nutrients from the flue-gas-desulfurization wastewater. In this study, a pilot-scale demonstration was conducted to continuously treat 1-2 gpm of the FGD wastewater at a coal-fired power plant for five months. Results show that the hZVI process could simultaneously reduce selenate-Se from 1-3 ppm to < 10 ppb and mercury from over 100 ppb to < 10 ppt, in compliance with new stringent effluent discharge limits planned! by the U.S.EPA for Se and Hg. Moreover, the process efficiently removed a broad spectrum of heavy metals such as As(III), As(V), Cr(VI), Cd(II), Pb(II) and Cu(II) from ppm to near or sub-ppb level. A 3-stage hZVI reactor with a combined hydraulic retention time of 8-12 h was sufficient for Se treatment and a single stage for Hg and other heavy metals. The process had a competitive economics and consumed ~0.3 kg ZVI per 1 m<sup>3</sup> FGD wastewater treated at a cost of about \$0.6/m<sup>3</sup>. Solid waste production and energy consumption, estimated at

#### **IWC 12-60: Sulfate Discharge Considerations for FGD System Design**

**Diane Martini, Sargent & Lundy, LLC, Chicago, IL**

Sulfate and TDS are becoming critical issues in surface water quality. A utility in Indiana with sulfate discharge limit was required to install an FGD system. There were concerns that the FGD blowdown could increase the sulfate discharge from the plant beyond the discharge limit. The plant was also has water withdrawal limits and water return requirements to maintain the river level. Working with the sulfate mass balance through the plant, and in cooperation with the FGD vendor, a water balance was developed that maximized the use of plant cooling tower blow down as makeup to the FGD process. The paper will describe how cooling tower blow down and limited amounts of fresh service water were employed to optimize the water balance such that the total sulfate mass discharge from the facility will be reduced after the FGD system comes on line.

#### **WEDNESDAY**

#### **Addressing Water Treatment Challenges at Power Plants**

Water is the lifeblood of a power plant, not only in the steam-condensate cycle, but also for cooling. The U.S. EPA is in the process of revising the effluent limitations guidelines and standards (ELGs) for the steam electric power generating point source category. This session will address reliable sources of cooling water, technologies which can be used to achieve those anticipated ELGs and techniques which can be applied to optimize recycle/reuse systems.



**IWC 12-73: Deciphering the Choices in Treatment Required to Meet EPA Effluent Limitation Guidelines at Coal-Fired Generating Stations**  
James Harwood, GE Power & Water, Oakville, ON Canada

In 2009, US EPA under authority of the Clean Water Act has elected to proceed with rulemaking in the form of revised Effluent Limitation Guidelines (ELG's) for the steam electrical power generating industry. Draft ELGs are scheduled for public release in July 2012 with final release scheduled for 2014. The standards will redefine the wastewater management requirements for many coal-fired power plants. The ELG's are based on best available technologies with a consideration for economic impacts. As a result, utilities will need to navigate through a host of different technological approaches and considerations in order to achieve expected limits for constituents such as selenium, mercury, boron and total dissolved solids (TDS) among others. These standards will be implemented through the National Pollutant Discharge Elimination System (NPDES) permit limits. For many utilities, tighter NPDES limits will result in the implementation of treatment solutions for flue gas desulfurization (FGD) and ash handling streams. Utilities, consulting engineers and treatment technology providers will be required to work together to evaluate, select, procure, construct and commission new treatment facilities. At the same time, careful consideration must be given to the challenges faced in implementing solutions in these applications. Implications due to dynamic water qualities, variable fuel sources, and technology capabilities, concurrent implementation of other air and water controls, and vendor and consultant experience in this space must all be analyzed. This paper will examine the decisions faced by facilities as they navigate through these choices in order to successfully and economically meet these new requirements in the changing environment.

**IWC 12-74: Using Reclaimed Municipal Wastewater for Power Plant Cooling and Process Water Systems**  
Michael Wilson, CH2M Hill, Boston, MA

The reclamation of treated municipal wastewater for power plant cooling water systems is a complex and sensitive decision process due to many often conflicting factors. The U.S. Department of Energy's (DOE's) National Energy Technology Laboratory (NETL) determined that alternative sources of water for use at power plants which included reclaimed water are an innovative source of cooling water for electric generating facilities (Feeley 2005). The design of these industrial cooling water systems presents several challenges to the water reuse professional and may include combinations of wastewater biological process design, elements of physical chemical treatment and industrial high purity water systems. The use of reclaimed water by power plants for cooling water systems is an important sustainability principal and is becoming more prevalent watersheds due to stresses being placed on habitat, potable water systems and consumptive use. This in fact is a triple bottom line advantage since reclaimed water that is recycled for power production is the definitive example of the energy-water nexus. This paper presents the design basis of a 7 mgd reclaimed municipal water treatment plant for an East Coast Power facility. The biological and physical chemical treatment processes will be reviewed including methods of meeting cooling and process water quality objectives for carbonaceous biochemical oxygen demand, total suspended solids, ammonia removal, iron and manganese removal, chlorine residual and pH control systems and value chain associated with the economic factors.

**IWC 12-76: Biofouling of Water Systems**  
Sarahann Rackl (Dow), Marrone Bio Innovations, Davis, CA

Throughout North America and Europe, zebra and quagga mussels are crippling industrial

and commercial operations by restricting water intake in heat exchangers, condensers, and cooling systems, and by damaging infrastructure and equipment. United States Congressional researchers estimated that zebra mussels alone cost the power industry \$3.1 billion during 1993–1999, and had more than a \$5 billion impact on industries, businesses, and communities during the same period. Unfortunately, the battle against these invasive, destructive mussels' rages on intensified by their unrelenting spread and complicated by increasing regulatory pressure to limit the use of dangerous chemicals in service water systems. Today, facility operators are faced with what appear to be conflicting goals—controlling mussels while managing shell debris, and achieving a high level of efficacy without harming the environment or putting the facility or employees at risk.

This presentation shows the results of mussel control studies at power facilities in North America and Europe, including a U.S. Bureau of Reclamation project. These studies indicate that a recently approved molluscicide called Zequanox® can control zebra and quagga mussel populations without harming humans, infrastructure, non-target species, or the environment. The presentation reviews various treatment methods and addresses the advantages of controlling mussel population at different life stages, highlighting the tradeoffs between application frequency and shell debris management. Finally, this presentation previews the studies to be conducted in 2012.

-----David Webster/R1/USEPA/US wrote: -----

To: Sharon DeMeo/R1/USEPA/US@EPA  
From: David Webster/R1/USEPA/US  
Date: 10/09/2012 02:36PM  
Cc: Damien Houlihan/R1/USEPA/US@EPA  
Subject: Re: Training Request

What's the title of the The International Water Conference? Are there specific presentations on waste water from FGD operations?

Sharon DeMeo---10/09/2012 12:53:12 PM---Hi Damien and Dave, Here are the specifics of my training request: · Title of course (or subject

From: Sharon DeMeo/R1/USEPA/US  
To: Damien Houlihan/R1/USEPA/US@EPA, David Webster/R1/USEPA/US@EPA  
Date: 10/09/2012 12:53 PM  
Subject: Training Request

---

Hi Damien and Dave,

Here are the specifics of my training request:

- Title of course (or subject, if not known) - The International Water Conference
- Number of hours in training - 26+ (there are added workshops on Wednesday afternoon and Thursday of this week; one of these on Thursday afternoon, November 8, 2012, is titled *Thermal Zero Liquid Discharge Processes* but would cost an additional \$250 and I would need to stay an extra day)
- Date(s) of course (or time frame, if specific date is unknown) - Monday, November 5,

2012 to Thursday, November, 8, 2012

- Cost of course/training - Registration is \$375 (after 10/14/12 it is \$425)
- Location of course/training - San Antonio, Texas
- Will this also require travel money? Yes - meals, lodging, and transportation.
- Objective – (brief) - To attend technical sessions and learn the latest information about new applications available and application issues that have been documented in the industrial water treatment industry, specifically flue gas desulfurization wastewater treatment and zero liquid discharge technologies.

Please let me know if you have any questions or would like to discuss more details regarding the conference. I hope this opportunity is within our budget but I certainly understand if it is not. Thank you.

Sharon

**Sharon DeMeo/R1/USEPA/US**

08/23/2012 02:05 PM

To Demeo.sharon

cc

bcc

Subject Merrimack websites

[http://cfpub.epa.gov/si/si\\_public\\_record\\_Report.cfm?dirEntryID=35907](http://cfpub.epa.gov/si/si_public_record_Report.cfm?dirEntryID=35907)

<http://www.science.gov/scigov/result-list/fullRecord:fgd+evaporator/>

<http://www.ntis.gov/search/product.aspx?ABBR=PB271362>

**Sharon DeMeo/R1/USEPA/US**

11/04/2011 03:28 PM

To gilfavor

cc

bcc

Subject Merrimack Station

Hello Arthur,

It was nice meeting you last night at the Merrimack Station public hearing. You mentioned that you were interested in the physical/chemical treatment system that is currently utilized at Merrimack Station for its flue gas desulfurization system (FGD) effluent. Please see the following links for more information about physical/chemical treatment and Merrimack Station. Feel free to call me if you have any questions or would like additional information.

Regards,

Sharon M. DeMeo  
U.S.EPA - Region I  
5 Post Office Square  
Boston, MA 02109-3912  
Tel.: (617) 918-1995

<http://www.epa.gov/region1/npdes/merrimackstation/index.html>

<http://www.epa.gov/region1/npdes/merrimackstation/pdfs/MerrimackStationAttachE.pdf>

**Sharon DeMeo/R1/USEPA/US**  
02/12/2013 12:49 PM

To John King  
cc  
bcc  
Subject Accepted:Merrimack Station Update Meeting

**Sharon DeMeo/R1/USEPA/US**

10/24/2012 04:37 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Sharon DeMeo/R1/USEPA/US**

10/24/2012 04:37 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting



**Sharon DeMeo/R1/USEPA/US**  
12/28/2012 11:46 AM

To John King  
cc  
bcc  
Subject Accepted: Merrimack Station Update Meeting

**Sharon DeMeo/R1/USEPA/US**

01/24/2013 08:26 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Sharon DeMeo/R1/USEPA/US**

To John King

cc

bcc

Subject Invitation: Merrimack Station Update Meeting (Feb 5 10:00 AM EST)

Sharon DeMeo/R1/USEPA/US

10/06/2011 04:34 PM

To John King

cc

bcc

Subject Fw: Estimated costs & pollutant reductions for treatment options at Merrimack Station

----- Forwarded by Sharon DeMeo/R1/USEPA/US on 10/06/2011 04:33 PM -----

From: Ronald Jordan/DC/USEPA/US  
To: Sharon DeMeo/R1/USEPA/US@EPA  
Cc: John King/R1/USEPA/US@EPA, Jezebele Alicea/DC/USEPA/US@EPA, Jan Matuszko/DC/USEPA/US@EPA  
Date: 09/13/2011 07:56 AM  
Subject: Estimated costs & pollutant reductions for treatment options at Merrimack Station

Sharon,

The table below presents estimated costs and pollutant removals for three technology options for treatment of FGD wastewater. These costs/removals are presented for a system sized to treat the FGD purge from Merrimack Station and are based on data collected during the ongoing rulemaking effort to revise the effluent guidelines for the steam electric power generating point source category. The primary data sources for the cost estimates are responses to an industry survey distributed by EPA's Office of Water in 2010, and information obtained by treatment equipment vendors. The pollutant reduction estimates are based on data collected during EPA's recent detailed study of the industry and subsequent wastewater sampling conducted to support the effluent guidelines rulemaking.

| Technology Option                   | Capital Cost<br>(2010 \$) | Annual O&M Cost<br>(2010 \$) | Annualized Cost<br>(2010 \$) | Pollutant Reductions<br>(lbs/yr) |
|-------------------------------------|---------------------------|------------------------------|------------------------------|----------------------------------|
| Chemical Precipitation              | \$4,869,000               | \$430,000                    | \$889,000                    | 16,900                           |
| Chem Precip + Biological            | \$9,823,000               | \$727,000                    | \$1,654,000                  | 639,000                          |
| Chem Precip/Softening + Evaporation | \$27,949,000              | \$1,524,000                  | \$4,162,000                  | 830,000                          |

NOTES:

1. Estimated costs do not reflect offsetting cost reductions associated with ceasing operation of an existing settling pond or avoiding installation of a settling pond to comply with the current effluent guidelines requirements at 40 CFR part 423.
2. Estimated pollutant removals are shown incremental to treatment that would be achieved by a settling pond. The following analytes have been excluded from the pollutant removal estimates due to data limitations or to avoid potential double-counting of pollutant removals: ammonia, BOD, calcium, chloride, hexavalent chromium, TKN, sodium, sulfate, total dissolved solids (TDS), and total suspended solids (TSS).
3. Annualized costs are the sum of operating and maintenance (O&M) costs and annualized capital costs, using a 7% interest rate and 20-year service life for the equipment.

Please let me know if you have any questions.  
Ron

-----  
Ron Jordan  
Engineering and Analysis Division (4303T)  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 566-1003

<http://www.epa.gov/waterscience>

Sharon DeMeo/R1/USEPA/US

09/16/2011 04:39 PM

To John King

cc

bcc

Subject title of document

**"Determination of Technology-Based Effluent Limits for the Flue Gas  
Desulfurization Wastewater Treatment System at Merrimack Station in  
Bow, New Hampshire"**

**Stephen  
Perkins/R1/USEPA/US**

01/03/2013 02:59 PM

To David Webster, Damien Houlihan

cc

bcc

Subject bill smagula gets a promotion

---

[Bill Smagula of Bedford becomes \*\*PSNH\*\* vice president](#)

Nashua Telegraph

MANCHESTER – Bill Smagula of Bedford, a 34-year veteran of **PSNH**, ... a mercury and sulfur emissions reduction system at **Merrimack** Station in Bow, ...

Stephen  
Perkins/R1/USEPA/US

11/28/2012 07:45 AM

To David Webster, Damien Houlihan, John King, Sharon  
DeMeo, Dave Conroy

cc

bcc

Subject Environmental groups call on PSNH to give up using coal

Environmental groups call on PSNH to give up using coal |

**Outlet Full Name:** Union Leader - Online

**News Text:** PEMBROKE - With the Merrimack Station coal-fired power plant looming in the background, representatives of four nonprofit environmental groups called on Public Service of New Hampshire to divorce itself from coal and end business practices they said are "antiquated and obsolete for a sustainable future."

"At this moment, you are standing in the only area in New England that has been referred for designation as being out of attainment, that is having more pollution than is acceptable under EPA standards for sulfur dioxide," said Jonathan Peress of the Conservation Law Foundation, as a large white plume of exhaust, mostly water vapor, poured out of a smokestack behind him.

Peress was joined by representatives of the National Wildlife Federation, the New Hampshire Sierra Club and the Toxics Action Center at a ballfield in Pembroke - a site chosen for the annual Dirty Dozen news conference because of its proximity to Merrimack Station in nearby Bow.

For 25 years, the Toxics Action Center has annually identified its Dirty Dozen award winners throughout New England, and this year selected PSNH in New Hampshire, as well as the ExxonMobil Maine to Montreal pipeline, which spans all three Northern New England states.

In addition to Merrimack Station, PSNH also operates Schiller Station, a coal-fired plant along the Piscataqua River in Portsmouth.

"PSNH deserves this award because it has steadfastly adhered to its failing, high-polluting, expensive power plants. Both Schiller and Merrimack station generate pollution more cost effectively than they generate electricity," Peress said.

PSNH spokesman Martin Murray defended the company's efforts to keep both plants in operation.

"Both of the plants named have operated reliably for years and have provided benefit to our customers," he said. "We constantly seek innovative measures to reduce our environmental impact, and both plants have earned awards for their environmental initiatives."

The company recently invested more than \$420 million to install scrubbers at Merrimack Station to reduce toxic emissions.

"Notwithstanding the fact that they have installed wet scrubbers designed to reduce sulfur dioxide and mercury emissions by as much as 90 percent, they will still be the largest emitter of sulfur dioxide and nitrous oxide in New Hampshire," Peres



said. "Schiller Station was designed in the 1950s and is one of the least efficient coal-fired power plants in all of the country and certainly the least efficient in New England. It also has no emissions controls. Merrimack Station was designed and built in the 1960s, and is now operating at less than 30 percent capacity, yet they just invested \$420 million to extend its useful life."

Peres said PSNH ratepayers are now spending on average about \$200 per year in "above market costs" to help PSNH and its parent company, Northeast Utilities, recoup the capital investment on Merrimack Station scrubbers.

Meanwhile, capacity at both Merrimack and Schiller has been greatly reduced as PSNH finds it more cost-effective to buy lower-priced electricity generated largely by natural gas on the wholesale market.

"Their business is in a death spiral," Peres said. "Customers are buying lower cost and cleaner power from competitive suppliers. What you are looking at is a monument to a failed business strategy that will remain there as a testament to that failure for years to come."

#### Emission initiatives

PSNH has consistently argued that keeping the coal-fired plants online enhances its flexibility in providing power to most of New Hampshire as prices fluctuate on the wholesale market. Much of the data in the Dirty Dozen report regarding the two plants is out of date, Murray said.

"It is interesting we're talking about this today, as both plants are operating," he said. "That means that they are needed, today, in order to provide a stable, reliable and economic source of energy to New Hampshire. The report apparently relies on 2011 data. That would not reflect all of the emission reduction initiatives that are now in place, as the mercury and sulfur reduction system was put into operation late in the year."

He called Merrimack Station, with its mercury and sulfur emission reduction system now operating, "one of the cleanest coal fired power plants in the nation" and said Schiller Station meets all current environmental requirements, and "is well positioned to meet ever more stringent requirements going forward."

That doesn't mean PSNH is not taking steps to introduce cleaner power options, Murray said. "Our initiatives include the permanent replacement of a large, 50 megawatt coal boiler with a state of the art wood-fired boiler at Schiller Station. PSNH was the first utility in the nation to make such a significant change."

#### Quarter century of reports

The Toxics Action Center report, "25 Years of the Dirty Dozen: Past and Current Pollution Threats in New England," profiles 12 sites and companies, naming them "the most notorious pollution threats in the region," and proposes alternatives.

The ExxonMobil Montreal pipeline would link pipelines from Alberta, Canada, to the coast of Maine to carry Canadian tar sands oil to the South Portland waterfront. It was identified in the Maine, Vermont and New Hampshire sections of the Dirty Dozen report.

Other sites or organizations named in the report were Advanced Disposal and Entergy Nuclear in Vermont, and Casella Waste Management in Maine.

Massachusetts "winners" included Advanced Disposal, Brayton Point Coal Plant, Entergy Nuclear, General Electric and a New Bedford PCB dump.

Sites in Connecticut were the Resource Recovery Authority in Hartford, the Raymark Superfund Site, Connecticut Environmental Council and General Electric. The Central Landfill in Johnston, R.I., also made the list.

On the web: <http://www.toxicsaction.org/>

[dsolomon@unionleader.com](mailto:dsolomon@unionleader.com)

**Stephen  
Perkins/R1/USEPA/US**  
03/19/2012 08:06 AM

To David Webster, John King, Mark Stein, Sharon DeMeo  
cc Damien Houlihan  
bcc  
Subject Fw: PSNH NEWSCLIPS - Saturday, March 14th, 2012  
r1newsclips

rodney's gathering of clips over last 3 weeks or so. i think we've seen them already.  
thanks  
stephen

Please only print if necessary

----- Forwarded by Stephen Perkins/R1/USEPA/US on 03/19/2012 08:04 AM -----

From: Nancy Grantham/R1/USEPA/US  
To: Stephen Perkins/R1/USEPA/US@EPA  
Date: 03/19/2012 07:11 AM  
Subject: Fw: PSNH NEWSCLIPS - Saturday, March 14th, 2012 r1newsclips

---

----- Forwarded by Nancy Grantham/R1/USEPA/US on 03/19/2012 07:11 AM -----

From: Rodney Elliott/R1/USEPA/US  
To: Nancy Grantham/R1/USEPA/US@EPA  
Date: 03/18/2012 07:51 AM  
Subject: PSNH NEWSCLIPS - Saturday, March 14th, 2012 r1newsclips

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[http://us.vocuspr.com/Publish/518041/Forward\\_518041\\_1509823.htm?Email=elliott.rodney%40epa.gov&Date=3%2f18%2f2012+6%3a39%3a46+AM](http://us.vocuspr.com/Publish/518041/Forward_518041_1509823.htm?Email=elliott.rodney%40epa.gov&Date=3%2f18%2f2012+6%3a39%3a46+AM)

Stephen  
Perkins/R1/USEPA/US  
03/01/2012 03:33 PM

To David Webster, John King, Mark Stein, Sharon DeMeo  
cc Damien Houlihan  
bcc  
Subject if you didn't see PSNH's press release

**[PSNH.com - PSNH: EPA Permit Deeply Flawed](#)**

**PSNH** Files Response to EPA Draft Permit for **Merrimack** Station ... (EPA) reissuance of a permit for the company's **Merrimack** Station power plant in Bow, NH.

[www.psnh.com/.../PSNH--EPA-Permit-Deeply-Flawed.aspx](http://www.psnh.com/.../PSNH--EPA-Permit-Deeply-Flawed.aspx)

Stephen  
Perkins/R1/USEPA/US  
03/13/2012 07:06 AM

To David Webster, John King, Sharon DeMeo, Mark Stein  
cc  
bcc  
Subject UWAG warns EPA over landmark water permit to control  
toxics - Inside EPA

i guess you get more thorough stories sooner when you put all the comments on the web so quickly.

Daily News

## Power Plants Warn EPA Over Landmark Water Permit To Control Toxics

Posted: March 12, 2012

Electric utilities are warning EPA that its precedent-setting draft permit for discharges from a New Hampshire plant's flue gas desulfurization (FGD) unit, a technology plants use to comply with major agency sulfur and air toxics rules, may be unlawful because its discharge limits are based on an "arbitrary and capricious" scientific analysis.

In Feb. 28 comments filed with EPA Region I on its draft National Pollutant Discharge Elimination System (NPDES) permit for FGD discharges, cooling water intake structures, and thermal discharges from the Merrimack Station in Bow, NH, the Utility Water Act Group (UWAG) -- a coalition representing a host of electricity generators and their trade associations -- said the draft permit was based on an analysis rife with errors.

UWAG was particularly concerned with Region I's decision to require biological treatment of effluent from the plant's FGD outfall in addition to physical/chemical treatment technology requirements. The scientific analysis leading to the permit's discharge limits for metals -- including mercury, cadmium, arsenic and selenium -- was flawed, and the requirement to install extremely costly technology would not suffice to reach those unrealistically low discharge levels, UWAG says.

The permit -- which EPA is issuing because New Hampshire lacks delegated permitting authority -- is expected to set a nationwide precedent for EPA's pending technology based effluent limitation guideline (ELG) for discharges from FGD systems and other power plant facilities -- the first update to the current ELG since 1982.

Environmentalists and others say the ELG is urgently needed because plants are expected to increase construction of FGDs and other similar systems as a way to comply with EPA's recently issued maximum achievable control technology (MACT) for utilities, which controls emissions of mercury and other air toxics, as well as the cross state air pollution rule, which controls sulfur. But the systems are expected to increase harmful discharges, especially of mercury and other metals, which the technologies remove from plants' emissions -- bolstering the case for the ELG, which the agency is under court order to propose in July 2012 with a final rule slated for release in January 2014.

EPA Region I issued its proposed NPDES permit for the Merrimack station last September, and proposed stringent FGD limits, as well as a closed-cycle system to prevent the entrainment of fish eggs and larvae from the Merrimack River into its cooling water intake structure and technology to prevent the impingement of adult fish from the intake structure.

The plant is subject to a state law that requires it to cut its mercury emissions by 80 percent by July 1, 2013, or sooner if practicable, and to install a "wet" scrubber technology to achieve those emissions reductions. This technology is effective at reducing air pollution, but the pollutants that are removed from the plant's smokestacks are instead left in wastewater, which is subject to national pollutant discharge elimination system (NPDES) permitting requirements.

Because EPA has not completed the ELG, the agency is crafting a site-specific permit that relies on its best professional judgment (BPJ).

After discussions with the Public Service Company of New Hampshire (PSNH), which operates the Merrimack plant, did not yield acceptable technology-based standards for the plant's FGD discharges, the region in 2010 began the process of establishing its own best available technology (BAT) for the plant.

The region evaluated a variety of technologies for managing FGD discharges -- including deep well injection, treatment through a municipal treatment system, fixation, settling ponds, and others -- and determined in September that chemical/physical treatment with a biological stage was the most protective commercially available technology for the plant. In developing FGD discharge limits for the Merrimack plant, EPA Region I analyzed operations at two coal-fired electricity generation plants operated by Duke Energy in North Carolina -- the Allen Steam Station and the Belews Creek Steam Station. Those plants operate FGD scrubbers that include a physical/chemical scrubbing process followed by a biological treatment process.

#### **“Arbitrary and Capricious”**

But UWAG says the permit contained mistakes in the analyses that may foreshadow issues with the ELG. "Thus, every power company subject to the national steam electric guidelines may be affected," by the Merrimack permit, UWAG's comments say. "It is important that both the Merrimack permit and the national rulemaking -- which are intertwined and use the same data -- be done right."

The region's analysis of the operations data from the North Carolina plants was flawed in a variety of ways, UWAG says. EPA ignored the variations in the concentrations of contaminants based on the burning of coal from different sources, excluded certain operations data without justification and relied on too small a data sample to make a determination that represents a realistic picture of the state of the electricity generation industry, UWAG says.

"As a result of these errors, the limits for the Merrimack FGD wastewater are not supported by the record and not characteristic of normal operation at Merrimack (or probably any other power plant)," UWAG says. "The limits are, in short, arbitrary and capricious."

Duke Energy echoed those concerns in their [Feb. 27 comments](#), saying the data they submitted to EPA was not collected for compliance assurance purposes and therefore was not subject to the level of quality assurance that would be expected for data informing such an important permit.

What is more, the limits EPA has set for the Merrimack plant are based on Duke's in-house detection laboratories, which are able to achieve metals reductions at levels far lower than what is possible at most other plants. Applying that standard to plants elsewhere is to apply a standard that may be impossible to achieve, Duke says.

"As the provider of the data on which EPA relied to set the proposed limits for Merrimack Station, Duke Energy feels obliged to inform EPA that the process data does not support the proposed permit limits for the Merrimack Station," Duke says. "Furthermore, *the very power plants that are characterized by the data EPA used would not be able to meet the Merrimack limits consistently*. We urge EPA Region 1 to start fresh and re-propose permit limits that reflect accurately what the intended treatment technologies would actually accomplish at the Merrimack Station."

UWAG added that the region appears to have taken a [guidance document](#) signed by James Hanlon, Director of EPA's Office of Wastewater Management, in July 2010 -- which suggests regions take steps to limit pollution from FGD outfalls prior to the agency's expected 2014 final ELG -- as a binding rule, which is contrary to the Administrative Procedure Act.

"An agency pronouncement, whether it is called 'policy' or 'interpretation' or 'guidance,' cannot be used as a 'binding norm' (have 'binding effect') unless it has been promulgated with notice-and-comment rulemaking procedures (which the Hanlon memo has not)," UWAG says. "For that reason alone, the proposed limits need to be reconsidered."

#### **VCE “Eminently Feasible”**

Environmentalists, in their comments, called on the agency to identify vapor compression evaporation (VCE) technology as the BAT for FGD discharges at the Merrimack plant. While biological secondary treatment is an effective way to reduce pollutants, particularly selenium, from FGD waste streams, VCE technology has the advantage of being able to reduce concentrations of pollutants in FGD discharges to zero. VCE technology is essentially a high-volume, high intensity evaporation system that extracts water from effluent and leaves behind remaining pollutants.

In their [Feb. 28 comments](#), Defenders of Wildlife, Sierra Club, Earthjustice, Environmental Integrity Project and the National Wildlife Federation said that under section 301 of the Clean Water Act, EPA must require the removal of all pollutants if data available indicates that total removal is technologically and economically feasible. The data provided by the Public Service company of New Hampshire (PSNH) -- who operates the plant -- indicate that such elimination is "eminently feasible," the environmentalists say.

The Conservation Law Foundation (CLF) said in separate [Feb. 28 comments](#) that EPA "erred in not


requiring VCE as BAT for [FGD] discharge." PSNH has for decades eluded its requirements under the CWA to limit its pollution discharges and emissions, particularly from mercury, and has been identified by the federal government and two states as a major source of mercury pollution in the region.

But CLF said the agency's determinations to revise the Merrimack plant's permit limits for cooling water intake structures was also a major step towards protecting aquatic life in the Merrimack River. The plant has ignored its requirements to install fish impingement reduction technology from its cooling water structures, CLF says, and in periods of low flow in the Merrimack and high energy demand has been known to consume in excess of 100 percent of the river's volume -- enough to take in all the water in the river and cause it to reverse course. In this context, CLF says, it concurs with the region's determination that proposed cooling water intake requirements are the BAT for the plant. -- *John Heltman* ( [jheltman@iwpress.com](mailto:jheltman@iwpress.com) ) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

Stephen  
Perkins/R1/USEPA/US  
03/01/2012 09:40 AM

To David Webster, John King, Sharon DeMeo, Mark Stein  
cc Damien Houlihan  
bcc  
Subject PSNH says data for permit faulty

2nd short story at bottom

**News Headline:** PSNH says data for permit faulty | 

**Outlet Full Name:** Telegraph - Online, The  
**News Text:** Concord Monitor

Regulators relied on faulty logic when writing the Merrimack Station's draft permit, Public Service of New Hampshire claimed Wednesday, saying the costly mandates are based on archaic data. The company's response, submitted Tuesday, suggests a lengthy battle over the already delayed permit.

The Bow power plant's permit – issued last September, more than 14 years after the current permit expired – calls for the installation of a \$112 million closed-cycle cooling system. EPA officials have said the system would replace one decades old, which they think is fundamentally changing the aquatic life in the surrounding Hooksett Pool by heating the water and crushing wildlife.

According to company officials, the EPA compared the pool's current fish population to the habitat in the same spot 40 years ago, when the Merrimack River was polluted and inhabited by fish tolerant of that environment. A more accurate comparison, PSNH said, would have been other areas on the river such as the Garvin Falls Dam a few miles upstream.

PSNH's environmental consultants said the fish habitat there is strikingly similar to the Hooksett Pool's, a fact PSNH spokesman Mike Skelton said proves the temperature of the plant's water discharge is not affecting nearby wildlife.

"To us that would have been a logical baseline. But instead the EPA, it appears, cherry picked this data from 40 years ago, and the ramifications of that are extremely significant," Skelton said. "It calls into question everything in the draft permit."

The EPA's assertion that the plant has altered the surrounding habitat is at the core of why the permit does not continue a thermal discharge variance PSNH has operated with for more than 20 years. Over the last decade, the company has repeatedly requested the variance be continued.

Beyond taking issue with the environmental basis for the EPA's permit, PSNH also questioned its financial ramifications. Skelton said the EPA's \$112 million quote is too low because it is conceptual and doesn't take into account a specific design for the Merrimack Station.

Skelton said the entire cost, which he thinks could be significantly, would be paid for by customers.



In turn, ratepayers would only see \$1 of environmental benefit for every \$1,000 spent on the improvements, according to PSNH. Skelton said most EPA mandates follow a ratio of \$1 of benefit to \$4.50 in cost. PSNH also said the EPA did not complete a cost-benefit analysis, a mandated step of the permitting process, before issuing the draft.

"After taking more than 14 years to act on our renewal application, it is unconscionable for the federal government to complain that the necessary cost-benefit studies are too 'time-consuming' and 'expensive' to prepare," Gary Long, the company's president and CEO, said in a release.

Even if PSNH were to install the new system, the company believes the technology is not sufficient to reach the EPA's limits. Skelton said the Duke Energy plants in North Carolina, where the EPA has mandated a similar system, do not meet discharge limits proposed for the Merrimack Station.

The company's response also takes issue with the EPA's timing, as the agency is poised to set new national regulations for part of the Clean Water Act in July.

"By not waiting for the new standards and instead relying on their sole discretion to draft this permit, the EPA's conclusions are arbitrary and put New Hampshire citizens at risk to bear costs that may not be required anywhere else in the country," Long said in the release.

Since the permit was issued, environmental groups like the Sierra Club have championed it as a major victory while others, including New Hampshire House Speaker Bill O'Brien, called it a burden on the state's economy.

John Paul King, an EPA environmental scientist, said yesterday the agency has received numerous responses to the permit, including over 1,600 pages within the comment period's last 24 hours. Because of the volume of responses, King was not able to address specific questions, but said the EPA is confident in the data and process it used to draft the permit.


Still, he said the agency is open to reviewing each response and making changes as necessary.

"We are required to keep an open mind, which we will," King said. "We are looking forward to looking at the comments concerning the draft permit and our thought process in the conclusions we came up to, to see why people are taking exception to them."

King said this permit has received significant national attention in part because it is the first time the EPA has proposed technology-based wastewater limits at a facility with a flue-gas desulfurization system like the new scrubber at the Bow plant.

In many permitting processes, review of the public comments takes more than a year, according to King. After the comments are reviewed, the EPA could either make changes and issue the final permit or decide that the permit required substantial revisions that warrant another public comment period.

King said he expects the final permit to be appealed, which would start another lengthy process.

**News Headline:** PSNH responds to EPA draft permit | 

**Outlet Full Name:** Foster's Daily Democrat - Online

**News Text:** Check out your forecast

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[Google Maps](#)

PSNH responds to EPA draft permit

Wednesday, February 29, 2012

BOW, N.H. (AP) - Public Service Company of New Hampshire says the federal government's attempt to require the installation of a new wastewater cooling system at a coal-fired power plant in Bow is both arbitrary and deeply flawed.

The Merrimack Station plant draws 287 million gallons of water a day from the Merrimack River and returns it at higher temperatures. In September, the Environmental Protection Agency issued a draft permit saying a new \$112 million cooling system is vital to protecting fish, but the company argues the EPA is relying on information from 40 years ago, when the river was heavily polluted. That isn't the case today.

In a response filed Tuesday, PSNH also argues that the new cooling system would amount to paying \$1,000 for every \$1 of environmental benefit.

Tim Williamson/R1/USEPA/US

To David Webster, Mark Stein, Greg Dain

03/16/2012 02:41 PM

cc Carl Dierker

bcc

Subject Merrimack - in case you missed this

## **Power Plants Warn EPA Over Landmark Water Permit To Control Toxics**

Electric utilities are warning EPA that its precedent-setting draft permit for discharges from a New Hampshire plant's flue gas desulfurization (FGD) unit, a technology plants use to comply with major agency sulfur and air toxics rules, may be unlawful because its discharge limits are based on an "arbitrary and capricious" scientific analysis.

<http://insideepa.com/201203122392848/EPA-Daily-News/Daily-News/power-plants-warn-epa-over-landmark-water-permit-to-control-toxics/menu-id-95.html>

Tim Williamson  
Deputy Regional Counsel  
Office of Regional Counsel  
EPA New England - ORA18-1  
5 Post Office Square - Suite 100  
Boston, MA 02109-3912  
phone: 617.918.1099  
fax: 617.918.0099

Tom Irwin <[tirwin@clf.org](mailto:tirwin@clf.org)>

06/01/2012 08:34 AM

To Mark Stein

cc

bcc

Subject RE: Merrimack Station / indirect discharges to POTWs

Thank you, Mark. I'll follow up with John to schedule a time to review the materials provided by PSNH. With respect to the second issue, could you provide a copy of any documents provided by NHDES to EPA about certain facilities accepting Merrimack Station wastewater?

Many thanks,  
Tom

**From:** Mark Stein [<mailto:Stein.Mark@epamail.epa.gov>]

**Sent:** Thursday, May 31, 2012 9:37 AM

**To:** Tom Irwin

**Cc:** John King; Damien Houlihan

**Subject:** Re: Merrimack Station / indirect discharges to POTWs

Hi Tom - Two things in response to your letter of May 18, 2012.

First, we will make available to you (or your colleagues) the material submitted to us by PSNH in response to our CWA section 308 information request letter. We have the material in a box here at our Boston office. You (or one of your colleagues) may call John King (at 617-918-1295) to arrange a time to come review the material.

Second, with regard to your question concerning whether EPA received direct notice from any POTWs concerning their receipt or intent to receive wastewater from Merrimack Station, we are internally double-checking on the answer to your question. The last time we looked into this, the answer was that no POTW notified us directly but NH DES knew about certain facilities accepting Merrimack Station wastewater and DES had informed us about these facilities. We are now double-checking whether we received any notifications from POTWs since our earlier inquiry and will follow up with another email when we finish this effort.

-- Mark Stein

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square – Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077

E- Fax: (617) 918-0077

▼ Tom Irwin ---05/18/2012 10:15:15 AM---Mark, As a follow-up to our recent conversation, please see the attached correspondence.

From: Tom Irwin <[tirwin@clf.org](mailto:tirwin@clf.org)>  
To: Mark Stein/R1/USEPA/US@EPA  
Date: 05/18/2012 10:15 AM  
Subject: Merrimack Station / indirect discharges to POTWs

---

Mark,

As a follow-up to our recent conversation, please see the attached correspondence.

Many thanks,

Tom

**Tom Irwin**  
Vice President  
Director, CLF New Hampshire  
27 North Main Street  
Concord, NH 03301-4930

P: 603-225-3060, ext. 3013

E: [tirwin@clf.org](mailto:tirwin@clf.org)

For a thriving New England

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

This Email message contained an attachment named  
image001.jpg  
which may be a computer program. This attached computer program  
could  
contain a computer virus which could cause harm to EPA's  
computers,  
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses  
introduced  
into the EPA network. EPA is deleting all computer program  
attachments  
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate,  
you  
should contact the sender and request that they rename the file  
name  
extension and resend the Email with the renamed attachment. After  
receiving the revised Email, containing the renamed attachment,

you can  
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at  
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

[attachment "2012-5-18 letter to Mark Stein, EPA.pdf" deleted by  
Mark Stein/R1/USEPA/US]

Tom Irwin <[tirwin@clf.org](mailto:tirwin@clf.org)>

06/22/2012 01:35 PM

To Mark Stein, John King

cc Melissa Hoffer

bcc

Subject PSNH 308-letter materials

Mark and John,

Are you in a position to disclose the materials marked confidential by PSNH? We are anxious to receive the full response. I'm not sure how much the materials overlap but, as I mentioned to John, PSNH apparently waived its prior claims of confidentiality with respect to documents responsive to a CLF right-to-know request to NHDES. If you want to connect with them, Pete Demas at NHDES could likely give you the full story.

My hope is that you can provide a digital copy of PSNH's response by the June 27. Please note that I'll be away and without access to email much of next week, so please "reply all" to include Melissa Hoffer when responding.

Thank you in advance,

Tom

**Tom Irwin**

Vice President

Director, CLF New Hampshire

27 North Main Street

Concord, NH 03301-4930

P: 603-225-3060, ext. 3013

E: [tirwin@clf.org](mailto:tirwin@clf.org)

For a thriving New England

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

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contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*



Tom Irwin <tirwin@clf.org>  
07/20/2012 09:44 AM

To: Melissa Hoffer, Mark Stein, John King  
cc: Cristeen Schena  
bcc:  
Subject: RE: PSNH 308-letter materials

Mark,

Thank you for your accurate description of what transpired relative to our FOIA requests and the information you provided informally. I am fine with EPA's FOIA office closing-out our FOIA requests on this matter, subject to our right to re-submit the requests should that become necessary.

Thanks,  
Tom

**From:** Melissa Hoffer  
**Sent:** Thursday, July 05, 2012 3:46 PM  
**To:** Mark Stein; John King  
**Cc:** Cristeen Schena; Tom Irwin  
**Subject:** RE: PSNH 308-letter materials

Mark: This is very helpful, thank you. Tom is on vacation; I will discuss with him when he returns in mid-July and we will get back to you.

Thanks,  
Melissa

---

**From:** Mark Stein [Stein.Mark@epamail.epa.gov]  
**Sent:** Thursday, July 05, 2012 3:42 PM  
**To:** John King  
**Cc:** Melissa Hoffer; Cristeen Schena; Tom Irwin  
**Subject:** RE: PSNH 308-letter materials

Hi folks - This is a little confusing, but I think that I may be able to help clear things up. (I hope I don't just make it more confusing!)

I think that perhaps the material we are now sending you are not, strictly speaking, being sent pursuant to any FOIA request. Rather, they are being sent in response to a request to review these particular public records that CLF made to EPA outside of FOIA, which of course CLF can do. It has not been a big deal to make these records available because we had them all in one place in electronic format and they are all clearly public records. The only real issue to resolve was whether or not any of the material needed to be treated as CBI and we pretty easily were able to answer that question in the negative, after conversing with PSNH. Note that we had earlier by email sent you a copy of our information request letter sent to PSNH under CWA section 308 letter, as well as answered various other questions that Tom Irwin had posed.

With regard to outstanding FOIA requests from CLF, Tom Irwin sent two FOIA requests on 2/25/12. They were given FOI Numbers 01-FOI-00103-12 & 01-FOI-00104-12. It is my understanding that CLF's fee waiver requests for both FOIA requests were denied. After discussions with Tom Irwin, I sent him an email dated 4/2/12 that said, among other things:

I also understand that you are going to make another effort to obtain the fee waiver approval from EPA Headquarters. Therefore, we will hold off on working on this matter until that is squared

away, one way or the other. That way, if you do not obtain the fee waiver, we can decide how you want to proceed.

It has been our understanding that CLF did not ultimately obtain the fee waiver, but you have not told us that you nevertheless want to go ahead and pursue the FOIA.

At the same time, we have been able to provide you with a substantial amount of public record material outside the FOIA process that is related to the subject of the earlier FOIA requests.

Therefore, I think our FOI Office would like to close out the earlier-sent FOIA requests that have been in "limbo" but are currently in our FOIA docket.

Would that be acceptable to you? (You can always send them again, if you feel it necessary.) If not, how do you feel Region ought to treat those FOIA requests.

---

Mark A. Stein  
U.S. Environmental Protection Agency  
New England Region  
5 Post Office Square – Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Tel.: (617) 918-1077  
E- Fax: (617) 918-0077

▼ John King---07/05/2012 03:11:38 PM---Melissa, I've resent PSNH response to Region 1 308 letter. I will have to contact Chris for the date

From: John King/R1/USEPA/US  
To: Melissa Hoffer <[MHoffer@clf.org](mailto:MHoffer@clf.org)>  
Cc: Cristeen Schena/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA, Tom Irwin <[tirwin@clf.org](mailto:tirwin@clf.org)>  
Date: 07/05/2012 03:11 PM  
Subject: RE: PSNH 308-letter materials

---

Melissa,

I've resent PSNH response to Region 1 308 letter. I will have to contact Chris for the date ... may take a few days.

John

▼ Melissa Hoffer ---07/05/2012 03:01:53 PM---Hi John: I have checked my e-mail records, and for some reason did not receive your June 26 e-mail.

From: Melissa Hoffer <[MHoffer@clf.org](mailto:MHoffer@clf.org)>  
To: John King/R1/USEPA/US@EPA, Tom Irwin <[tirwin@clf.org](mailto:tirwin@clf.org)>  
Cc: Mark Stein/R1/USEPA/US@EPA, Cristeen Schena/R1/USEPA/US@EPA  
Date: 07/05/2012 03:01 PM  
Subject: RE: PSNH 308-letter materials

---

Hi John: I have checked my e-mail records, and for some reason did not receive your June 26 e-mail. Would you kindly please resend it to me. Would you also please identify by date the precise CLF FOIA to which this information is responsive. Thanks.

Best,  
Melissa

---

From: John King [king.john@epamail.epa.gov]  
Sent: Thursday, June 28, 2012 10:54 AM  
To: Tom Irwin; Melissa Hoffer  
Cc: Mark Stein; Cristeen Schena  
Subject: Re: PSNH 308-letter materials

Tom and Melissa,

On Tuesday, June 26, an electronic copy of the entire reply of PSNH to Region 1's 308 letter concerning Merrimack Station's FGD WWTS effluent was emailed to you. Region 1 considers all the documents you requested have been made available; therefore, your FOIA request has been met and the FOIA will be closed.

John

-----Tom Irwin <[tirwin@clf.org](mailto:tirwin@clf.org)> wrote: -----  
To: Mark Stein/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA  
From: Tom Irwin <[tirwin@clf.org](mailto:tirwin@clf.org)>  
Date: 06/22/2012 01:34PM  
Cc: Melissa Hoffer <[MHoffer@clf.org](mailto:MHoffer@clf.org)>  
Subject: PSNH 308-letter materials

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My hope is that you can provide a digital copy of PSNH's response by the June 27. Please note that I'll be away and without access to email much of next week, so please "reply all" to include Melissa Hoffer when responding.

Thank you in advance,

Tom

Tom Irwin  
Vice President  
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For a thriving New England

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\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

**Yen Hoang/R1/USEPA/US**

01/23/2013 08:52 PM

To John King

cc

bcc

Subject Accepted:Merrimack Station Update Meeting

**Yen Hoang/R1/USEPA/US**

10/24/2012 04:06 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Yen Hoang/R1/USEPA/US**

10/24/2012 04:06 PM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Yen Hoang/R1/USEPA/US**

12/13/2012 10:24 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting



**Yen Hoang/R1/USEPA/US**

12/28/2012 10:57 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Yen Hoang/R1/USEPA/US**

02/12/2013 11:04 AM

To John King

cc

bcc

Subject Accepted: Merrimack Station Update Meeting

**Yen Hoang/R1/USEPA/US**

05/09/2012 12:06 PM

To John King, Sharon DeMeo

cc

bcc

Subject Cancelled: Merrimack

**Yen Hoang/R1/USEPA/US**

05/07/2012 10:49 AM

To John King, Sharon DeMeo

cc

bcc

Subject Rescheduled: Merrimack (May 9 01:00 PM EDT in Mt.  
Crocker 1st floor)

**Yen Hoang/R1/USEPA/US**

05/04/2012 11:20 AM

To JohnP King, Sharon DeMeo

cc

bcc

Subject Merrimack

Yen Hoang/R1/USEPA/US  
02/05/2013 12:35 PM

To Mark Stein, Damien Houlihan, Sharon DeMeo, John King,  
David Webster  
cc  
bcc  
Subject Inside EPA article: Environmentalists Seek Zero-Discharge  
Limit In ELG, Worrying Power Sector

Fw: The Morning Headlines from InsideEPA.com -- February 5, 2013

#### Daily News

#### Environmentalists Seek Zero-Discharge Limit In ELG, Worrying Power Sector

Posted: February 4, 2013

Environmentalists are calling on EPA to adopt a strict, zero-discharge limit in its pending effluent limitation guidelines (ELGs) for new steam- and coal-fired power plants and at existing plants where it is feasible, saying that the Clean Water Act (CWA) calls for such a standard and the technology exists to comply.

But an industry source says retrofitting existing plants to install such technology would be cost prohibitive for utilities. "The CWA requires that EPA consider a whole lot of factors" when setting an ELG, "but it's got to be proven technology, they just can't go pie in the sky. Therein lies a discussion that EPA will have to have," the source says.

The emerging debate over the stringency of EPA's upcoming regulation, the first update to the rules since 1982, comes as the agency is moving to issue its long-awaited proposed rule by April 19, according to the terms of an agreement with environmentalists. EPA submitted a draft version of the proposal to the White House Office of Management & Budget (OMB) for review Jan. 15.

A source familiar with the issue says environmentalists are planning to meet in the coming weeks with OMB and EPA to "to emphasize . . . that this is a real problem, this has environmental and public health consequences, there are real folks that are impacted, there are technologies available that other plants are already using and that the CWA requires."

Among other things, the rule is expected to address heightened concern over the toxicity of coal ash and other combustion residuals, as well as increased toxicity of power plant wastes stemming from control technologies that have been required to control mercury, sulfur and other harmful air emissions. Since such emissions control technologies were not widespread when the ELG was last revised in 1982, the current ELG rule does not cover the discharges.

Environmentalists in 2010 sued EPA to force it to release the rule, a case that resulted in the court ordered deadline. Industry, however, has appealed the order entering the settlement, arguing that the current time line rushes EPA, which could result in an overly stringent and flawed rule.

ELGs are technology-based limits that represent the greatest pollutant reductions that are economically achievable for an industry sector. EPA has considered several technologies that

would ensure zero-discharge limits. According to a February 2012 document prepared for tribal consultation on the revised ELG, EPA said it was weighing technologies that would ensure no discharges of waste from the coal combustion process --in particular remains from the flue gas desulfurization process, bottom ash and fly ash, noting that the technology for dry ash transport is available.

For those waste streams, the technologies would then likely require capture of dry wastes and their treatment and disposal.

Environmentalists, who have long sought to curtail wet coal ash disposal, have called for a zero-discharge limit in a new ELG, seeing it as a faster way to regulate the practice than long-stalled EPA coal ash rules being developed under the Resource Conservation & Recovery Act (RCRA).

But environmentalists say they do not believe CWA limits alone are sufficient because they will not address transport, handling and storage requirements that can be regulated under RCRA hazardous waste provisions.

#### Merrimack Station

Even before EPA proposes a revised ELG, environmentalists have been advocating for zero-discharge technologies. For example, in comments on a draft national pollutant discharge elimination system (NPDES) permit for the Merrimack Station power plant in Bow, NH, a handful of environmental groups lead by Earthjustice urged EPA to prohibit the plant from discharging mercury.

"It is essential that EPA finalize limits for all discharged pollutants . . . that genuinely reflect maximum reductions that state-of-the-art pollution control technology can achieve. Further . . . it is incumbent on EPA to require the Public Service Company of New Hampshire to achieve zero liquid discharge as the company itself has determined is economically achievable."

While they have advocated for zero-discharge limits, the source familiar with the issue says that there is broad recognition from environmental groups that any standard is an improvement over the current lack of rules governing the waste.

"Whenever possible we would want a waste stream eliminated," the source says. "Obviously no wastewater pollution is better than some, but what we are dealing with in this particular rule is there is nothing and the power plant industry is the second largest discharge of toxics." A requirement for treatment technologies at all "would definitely be a major improvement and would be much more protective," the source adds.

The source says environmentalists are waiting to see what EPA's analysis is over the question of how technical and feasible -- a requirement of the CWA -- the treatment technologies are for the range of power plants given that will determine how much treatment the agency will require.

"Given the permit battles we've been in and what we've looked at, that zero-discharge limit is

required under the [CWA], but we haven't seen EPA's analysis to form what is the appropriate standard," the source says. "But what we know is that power plants are already using these technologies, which to us indicates that it's feasible and economical," at least for new plants.

And if EPA chooses not to do a zero-discharge standard, the agency needs to quickly finalize its pending RCRA coal ash rule, though the agency says it will not likely be complete until at least 2014 if not later.

"You really need minimum safeguards for both discharge and disposal," the source says. "You do need both, if you are just using these evaporation technologies or dry ash handling and just dumping that in a land fill that doesn't have liners . . . you are just dumping it in the environment in a different way."

### Reasonable Limits

Meanwhile, industry is concerned that EPA will seek to set overly stringent standards that will be an economic burden on utilities and may not be achievable. "In broad-brush terms, the lens we are going to be looking through when we are looking at details of the rulemaking . . . [is that] any ELG needs to set reasonable limits that are achievable by a broad range of the plants effected by affordable and reasonable technology," says the industry source.

While the source acknowledges that the technologies looked at by EPA are all available, they will require in many cases retrofitting plants, which could reduce effectiveness and come at a great cost.

"I don't think they are talking about anything that is not technologically achievable" but the question is, "can it be appropriately retrofitted and is it giving you the benefit that you hope it's giving you," the source says. "In practice everything in a plant needs to be optimized, it's not just a plug-and-play technology," there is complex chemistry involved. "It's a tricky thing to do."

What's more, the source adds, "everything is more expensive to retrofit rather than building a new facility." The cost estimates laid out by EPA in its presentations last year are already far too low, the source says, although it's unclear what a more accurate estimate would be.

And even then, the new technologies might not yield the desired results. "You can ask a vendor of a tech can it do something at x efficiency at y costs, in a perfect world where everything is working, absolutely . . . in reality, as we know from our own lives, things tend not to work perfectly."

As a result of those concerns, industry will be closely reviewing the proposed ELG to assess whether the limits are based on affordable and feasible technology, if EPA properly characterized the individual waste streams and volumes, if the agency took into account common practice on management of waste, if the rule includes comprehensive time frames and if it addresses categorization of plants to ensure rules are tailored to specific classifications of facilities. -- Jenny Hopkinson (jhopkinson@iwpnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )



## Related News: Energy Water

----- Forwarded by Yen Hoang/R1/USEPA/US on 02/05/2013 12:33 PM -----

From: "InsideEPA.com" <epa-alerts@iwpnews.com>  
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Date: 02/05/2013 07:35 AM  
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February 5, 2013

### Latest News

#### **Navy, Industry Say EPA Petroleum Vapor Guidance Is Too Conservative**

The Navy, industry and some state regulators are arguing in recent comments to EPA that the agency's draft guidance for assessing and addressing toxic vapors from petroleum spills contains many overly conservative assumptions and will unnecessarily increase the number of sites that undergo investigation.

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#### **Advisers Question EPA Call To Retain Lead NAAQS Due To Uncertainties**

EPA Clean Air Scientific Advisory Committee (CASAC) members are questioning agency staff's draft proposal to retain the existing lead national ambient air quality standard (NAAQS) due to data uncertainties on the results

### Latest Blogs

#### **IG Finds Broad IRIS Use**

A congressionally-requested Inspector General's (IG) review has found broad use among EPA regional officials of data in the agency's Integrated Risk Information System (IRIS) program, . . .

#### **Energy Panel Details EPA Oversight**

The House Energy and Commerce Committee is slated to adopt a broad oversight plan for the 113th Congress at business meetings this week that includes . . .

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EPA has sent final revisions to its 2006 regulation protecting human subjects in pesticide studies to the White House Office of Management & Budget (OMB) . . .

#### **EPA Revises Appeals Board Rules**

EPA is revising its Environmental Appeals Board (EAB) procedural rules to limit the amount of briefing and oral arguments the board hears, a move the . . .

of a tighter limit, with one adviser saying it is “distressing” that staff are citing the data limits to justify no policy change.

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#### **Murkowski Seeks To Ease Permit Rules In Push To Bolster Energy Supplies**

In a bid to reduce dependence on foreign oil and make clean energy cheaper, Sen. Lisa Murkowski (R-AK), ranking member on the energy committee, is touting a broad agenda for reforming energy policy that includes streamlining permit requirements, preserving EPA's enhanced oil recovery (EOR) permit program, allowing states to trump EPA's hydraulic fracturing rules and overhauling the agency's renewable fuel standard (RFS).

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#### **Power Plant ELG Likely To Address Increased Toxicity Due To Air Controls**

EPA's upcoming effluent limitation guidelines (ELG) for coal- and steam-fired power plants, which is due for release this spring, is likely to require installation of technologies to reduce increased discharges of key metals due to new emissions control technologies required by recent agency air rules -- though given the associated costs it is unclear to what level the agency will require such controls.

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**Environmentalists Seek  
Zero-Discharge Limit In ELG,  
Worrying Power Sector**

Environmentalists are calling on EPA to adopt a strict, zero-discharge limit in its pending effluent limitation guidelines (ELGs) for new steam- and coal-fired power plants and at existing plants where it is feasible, saying that the Clean Water Act (CWA) calls for such a standard and the technology exists to comply.

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**Food Safety Plan Expands  
Reach Of EPA's Recreational  
Water Criteria**

Newly proposed food safety rules from the Food and Drug Administration (FDA) would apply EPA's controversial recreational water quality criteria, currently used to set health-based standards to protect beaches from harmful bacteria, to water used to irrigate, spray or pack food crops -- a move that would greatly expand the reach of the criteria and could force farmers who use surface water for irrigation to treat it before application.

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"Dona, Amy (ENRD)"  
<Amy.Dona@usdoj.gov>  
06/04/2012 05:40 PM

To Mark Stein  
cc Dawn Messier  
bcc  
Subject Re: Mt. Tom and Schiller

Thanks, Mark. This made interesting reading as I am stuck in the car rental line.  
My schedule is fairly open on Thursday and Friday if you and Dawn want to pick a time for a call.

Sent Using U.S. DOJ/ENRD BES 5 Server

**From:** Mark Stein [mailto:Stein.Mark@epamail.epa.gov]  
**Sent:** Monday, June 04, 2012 03:27 PM  
**To:** Dona, Amy (ENRD)  
**Cc:** Dawn Messier <Messier.Dawn@epamail.epa.gov>  
**Subject:** Re: Mt. Tom and Schiller

Hi folks - FYI, see the article below from "Inside EPA."

Monday, June 04, 2012

KEY ISSUES: [Fracking](#) [Regional Haze](#) [CRT Exports](#) [FY13 Budget](#)

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Daily News

## Industry Appeal Reprises Failed Bid To Block EPA's Power Plant ELG

Posted: June 4, 2012

Power industry groups are signaling they plan to ask an appeals court to rule on whether EPA has a nondiscretionary duty to review and revise its existing effluent limitation guidelines (ELGs) for the sector, reprising legal arguments that failed to gain traction in a 2005 attempt to shape how EPA develops ELGs.

The Utility Water Act Group (UWAG) is appealing a March district court ruling that denied the group's effort to intervene in a consent decree between EPA and environmentalists setting deadlines for the agency to revise its 1982 ELG for the steam electric power generating sector.

In a [May 21 statement of issues](#) filed with the U.S. Court of Appeals for the District of Columbia Circuit, UWAG questioned EPA's discretion in revising the ELG.

Among those issues UWAG intends to raise on appeal are whether the Clean Water Act (CWA) imposes on EPA "the many 'nondiscretionary duties' that [environmentalists] allege EPA failed to perform," whether the facts support the assertion that EPA has not "reviewed existing effluent guidelines at stated intervals," whether UWAG was entitled to intervene on its behalf and if not, whether environmentalists "also lack standing to bring the suit in the first place."

The questions about EPA's discretion in reviewing ELGs echo issues considered by the 9th Circuit in two 2008 rulings. In *Natural Resources Defense Council, et al. v. EPA*, the 9th Circuit held that once the agency decides it will review a category of discharge for an ELG, it has a nondiscretionary duty to issue an ELG for that category within three years.

At the time of the ruling, EPA had been studying discharges from the power plant sector to see if revisions to the 1982 ELG were necessary, but EPA and other sources said the ruling only applied to new ELGs, not revisions to existing ones.

And in *Our Children's Earth Foundation (OCE) v. EPA*, the 9th Circuit initially ruled that EPA does not have wide discretion in how it implements the ELG requirements of the CWA, specifically with regard to the consideration of technology-based discharge requirements. But the 9th Circuit later withdrew that decision and in 2008 issued a revised ruling that said EPA has broad discretion to consider whatever factors it chose when reviewing ELG standards. Environmentalists [appealed the revised decision](#) to the Supreme Court but were not granted *certiorari*.

UWAG had also attempted to intervene in the *Our Children's Earth Foundation* case at the district court level, but the U.S. District Court for the Northern District of California in 2005 [rejected the group's motion](#), saying that other intervenors already represented the interests of public utilities and private commercial companies. Sources said UWAG wanted to join the suit in order to ensure they had a seat at the table if EPA negotiated a settlement with environmentalists setting a new timetable for reviewing existing ELGs, such as the one for power plants.

## **Consent Order**

In the pending D.C. Circuit Case, *Defenders of Wildlife, et al. v. EPA*, UWAG is challenging the district court's March 19 order entering the consent order between EPA and the environmental plaintiffs, which requires the agency to propose an ELG for the steam generating point source category by July 23 and finalize the rule by Jan. 31, 2014. The groups recently moved to push back those deadlines to Nov. 20 for the rule's proposal and April 28 for publication of the final rule.

Environmentalists following the case say UWAG's intent to question EPA's nondiscretionary duties is unlikely to gain traction in the D.C. Circuit, though it could come up again after the ELG is finalized.

Since UWAG's appeal is over the district court's decision to accept the consent order, rather than

on the specific provisions of the ELG itself, the question of EPA's discretion is limited to whether the court has subject matter jurisdiction to hear the case in the first place, one environmentalist familiar with the litigation says.

That makes the argument significantly less likely to prevail, the source says, because the D.C. Circuit in 1994 ruled in *Best v. Kelly* that dismissal on subject matter jurisdiction is "reserved for complaints resting on truly fanciful factual allegations." While Defenders of Wildlife's argument that EPA has a nondiscretionary duty to revise the ELG for the steam generating point source category is based on a legal theory, the source says, "I think it will be very difficult for [UWAG's argument] to get traction."

UWAG representatives did not return calls for comment prior to press time.

The existing ELG for the steam generating point source category sets technology-based effluent standards for discharges emanating from any industrial activity that uses a steam-forced generator, and encompasses most coal, oil, natural gas and nuclear-fired power plants. The current ELG was first promulgated in 1982, and has not been revised since. In the meantime air pollution regulations have made flue gas desulfurization (FGD) units an almost universal installation for coal-fired plants. Those FGD units discharge water that is heavily laden with toxic chemicals, however, and so Defenders of Wildlife filed suit to force EPA to update the ELG to account for those discharges.

Environmentalists and the energy industry have been heavily invested in the outcome of the rule, since coal-fired plants are one of the most significant generators of certain types of air and water pollution. Coal ash impoundments have also been a major focus for environmentalists, who are pushing the agency to regulate coal ash as a hazardous waste under the Resource Conservation & Recovery Act.

## **Public Comment**

Individual power plants that are subject to new National Pollutant Discharge Elimination System (NPDES) permits have also been the object of litigation and protracted public comment in recent months -- battles that are expected to foreshadow the agency's ELG rulemaking and litigation following its completion.

OCE and Sierra Club filed suit against EPA May 18 in the U.S. District Court for the District of Massachusetts, alleging that EPA's continuance of long-outdated permits for the Mt. Tom Station in Massachusetts and the Schiller Station in New Hampshire violate the CWA.

The law gives EPA the authority to use its best professional judgment (BPJ) to establish best available technology for meeting ELGs in the absence of a federal guide, the suit says. The plants both employ once-through cooling water systems and have not received revised ELG requirements for their FGD systems, the complaint says. Since EPA Region I -- which has permitting authority in Massachusetts and New Hampshire -- has issued revised NPDES permits for other plants using its BPJ with more stringent requirements than those required for the Mt. Tom and Schiller stations, the region should do the same for those stations, the suit argues.

"[R]enewed NPDES permits for Mt. Tom and Schiller Stations should have more stringent, water quality-based effluent limitations that would result in cleaner water and would reduce the harms to OCE's and Sierra Club's members that these facilities' discharges are causing," the complaint says. "EPA's ongoing inaction negatively impacts public health and increases exposure to pollutants in the Connecticut and Piscataqua Rivers by precluding the imposition of effluent limitations that reflect all of the water quality-based limitations required by [the] CWA."

The suit comes after EPA extended its comment period by five months late last year for a revised NPDES permit for the Merrimack Station in New Hampshire. That proposed permit addressed the station's ELG and cooling water intake structure requirements by requiring closed-loop cooling for part of the year and biological and chemical treatment of the station's FGD effluent. Several energy companies and UWAG said in their comments that the region's permit was based on faulty data and would be the subject of litigation if it were finalized as proposed (*Water Policy Report* , March 12). -- John Heltman ( [jheltman@iwpnews.com](mailto:jheltman@iwpnews.com) ) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

---

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"John A Magee"  
<[john.a.magee@wildlife.nh.gov](mailto:john.a.magee@wildlife.nh.gov)>

12/21/2012 12:40 PM

To Ericp Nelson

cc

bcc

Subject Merrimack Station 2011 Annual Fish Impingement Report

Hi Eric. I received this report on Dec 21, 2012. I looked at it quickly, and one statement in the cover letter caught my eye, "...the rate of fish impingement at Merrimack Station is extremely low by all industry standards even though the data is collected during worse case conditions, i.e., when river flows are less than 900 cfs.". For at least one species, alewife, it has been documented that the juveniles have a tendency to move downstream en masse during a high flow event in the fall. I have observed this in a Maine river myself. Just thought I would pass that thought along to you.

Happy Holidays.

John

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